

ACTS

PASSED AT THE ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD IN THE CITY OF TUSCALOOSA,

On the First Monday in December, 1845.

1846

TUSCALOOSA:

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1846.

BLANK PAGE

LAWS OF ALABAMA.

PUBLIC ACTS.

[No. 1.]

AN ACT

1846.

To raise an additional amount of Revenue to support the State Government, and to maintain the faith and credit of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be assessed, and collected on all slaves in this State, the property of non-residents, over ten and under fifty years of age, a tax of two dollars each, and on those under ten, one dollar each.

Tax on slaves the property of non-residents.

Sec. 2. *And be it further enacted,* That every slave merchant, trader, dealer, or broker, dealing in slaves, before he shall be authorized to make sale of any slave, in any county in this State, shall procure from the clerk of the County Court of said county a license, for which he shall pay five dollars on each slave, which may be offered for sale by him; which said license shall authorize him to sell said slaves in any county in this State; and if any such merchant, dealer, trader, or broker, shall sell any slave without first having procured a license as aforesaid, he shall forfeit and pay the sum of three hundred dollars, on indictment and conviction therefor, in the Circuit Court of the county where such slave was sold.

Slave merchants shall procure license.

Sec. 3. *And be it further enacted,* That on all steamboats navigating the Alabama, Tombeckbee, Black Warrior, and Tennessee rivers, in this State, a tax of twenty-five cents on every hundred dollars value thereof, shall be levied and collected; and the assessors in Mobile, Lauderdale, and Morgan counties, shall assess, collect and pay over said tax, to the tax collectors of said counties, between the fifteenth day of February,

Steamboats, how taxed.

and the first day of May next, and between the first day of January, and the first day of May, in each and every year thereafter.

Manufacturing companies, mills, furnaces, &c. Sec. 4. *And be it further enacted*, That upon the capital invested and used in all manufacturing companies, saw and grist mills, iron furnaces, and forges, marble quarries, tan yards, gin making shops, cabinet shops, carriage making shops, steam cotton presses, and manufactured marble, one fourth of one per cent. on such capital over and above five hundred dollars, be collected, as all other taxes in this State.

Managers of theatres shall obtain license Sec. 5. *And be it further enacted*, That every owner or manager of any theatre used for public exhibitions or performances, in any city, before he shall be authorized to open or employ it, shall procure from the clerk of the County Court, of the county in which such city is situated, a license for which he shall pay one hundred dollars, and every owner or manager of any theatre used for public exhibitions or performances, in any incorporated town, before he shall be authorized to use or employ it, shall procure from the clerk of the County Court of the county in which such incorporated town is situated, a license, for which he shall pay the sum of thirty dollars; and such licenses shall authorize the use of such theatres, in such cities and towns for one year. And all transient merchants, and all dealers in any drugs, or patent or other medicines, shall before they sell or vend any goods wares, or merchandise, or any drugs or patent medicines in any county in this State, apply to the clerk of the County Court of such county, and obtain a license, for which such person, so applying, shall pay the clerk the sum of, in the case of transient merchants, fifty dollars; and dealers in drugs, thirty dollars; and if any owner or manager of a theatre as aforesaid, shall use or employ the same, or permit the same to be used or employed for any public exhibition or performance, without license; or if any transient merchant or dealer in drugs, patent, or other medicines, shall offer to vend or sell any goods or medicines, without license, such person or persons so offending shall forfeit and pay the sum of three hundred dollars, on indictment and conviction therefor in the Circuit Court of the county in which such theatre may be situated; or in which such goods or medicines may be offered for sale: *Provided*, that said owner or manager of a theatre, or transient merchant, or dealer in drugs, patent or other medicines, may at the instance of two respectable persons of the county be required to exhibit his license before the next magistrate; and if he fail or refuse to produce his license, it shall be the duty of the magistrate to require a sufficient bond for his appearance at the Circuit Court, and in default of a sufficient bond, to order a seizure by the constable of so much of the property in the possession of such delinquent as will pay the forfeiture, and all

Transient merchants, dealers in drugs, &c.

Proviso.

cost ; which property shall be handed over by the constable to the sheriff to abide the order of the Circuit Court ; and all persons who shall vend any goods or medicines, as mentioned in this section, shall be deemed to be transient, who do not settle for a year with the intention of carrying on such trade in the county in which such sales are made.

Sec. 6. *And be further enacted*, That the provisions of this act shall not take effect before the first day of May next, except the provisions of the third section, which shall take effect as therein provided for. When act takes effect.

A. B. MOORE,

Speaker of the House of Representatives.

JOHN A. WINSTON,

President of the Senate.

Approved, 5th February, 1846.

J. L. MARTIN.

[No. 2.]

AN ACT

To regulate the affairs of the Banks, and provide for the payment of the State Bonds.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all of the effects of the Bank of the State of Alabama, and of the several Branches thereof, and all debts, demands, and estate, of whatever description thereunto belonging, shall be vested in the following persons, to wit : Francis S. Lyon, of Marengo county, Benjamin Fitzpatrick, of Autauga county, and William Cooper, of Franklin county, and their successors, as Commissioners and Trustees, who, before entering upon the discharge of their duties, shall enter into bond, with good and sufficient security, to be approved by the Governor, in the sum of fifty thousand dollars each, and conditioned for the faithful discharge of the duties of their office; the said bonds shall be made payable to the Governor of the State for the time being and his successors in office, and shall be deposited in the office of the Secretary of State; whose term of office shall be two years, and whose duty it shall be to collect, compound, secure, and settle the same, at the earliest day that the same can be done, having regard alone to the interest of the State. They may sell, lease, or rent the real estate, and sell the personal property of said Banks, on such terms as to them may seem most expedient, and make such title to the same as is now vested in the State : *Provided*, that in case of sale, a longer term of credit than three years shall not be given to any purchaser : *Provided also*, that the Bank debtors who extended their debt under the provisions of the act passed on

Assets of the State Bank and Branches vested in Commissioners.

Commissioners to give bond.

Term of office.

Powers and duties.

What debts
may be ex-
tended, and
how.

Proviso.

Commission-
ers may ap-
point officers.

Salary of of-
ficers.

How assets
may be used.

Proviso.

Circulation of
Banks, how
managed.

Vacancies in
Commission-
ers, how filled

the twenty fifth of January, eighteen hundred and forty-five, entitled, An Act to settle the affairs of the Bank of the State and its Branches, may extend their debt to the first day of June, eighteen hundred and forty-seven, upon paying one-half of the debt and interest due, on or before the first day of June, eighteen hundred and forty-six: And those debtors classed "Good," who failed to extend their debts under the said act, may extend the same to the first day of June, eighteen hundred and forty-seven, by paying two-thirds of the debt, and all costs and interest due, on or before the first day of June, eighteen hundred and forty-six: *Provided further*, said Commissioners are satisfied that the debt proposed to be extended will be safe, and the State not likely to be injured by the proposed extension: *And provided further*, that all the provisions of said act to settle the affairs of said Bank be complied with, except as amended or altered by this act: *And provided further*, that no debt now marked "Good," shall be extended beyond the first day of June, eighteen hundred and forty-seven, unless in the opinion of the Commissioners, extension beyond that time shall be necessary for the security of the debt. And the said Commissioners shall have authority to appoint one officer from among those belonging to each of the Branch Banks, and to retain one at the State Bank at Tuscaloosa, to assist in closing the several concerns, or to appoint in lieu thereof any other person they may think proper. They may pay each of these assistants a sum not exceeding twelve hundred dollars, per annum, except at Montgomery and Mobile, where they may pay the assistants a salary not exceeding fifteen hundred dollars per annum; which said assistants may be continued so long as the said Commissioners, or their successors, may need them to effect the objects of this act.

Sec. 2. *And be it further enacted*, That it shall be lawful for the said Commissioners to use any of the assets so vested in them, or any funds in the Treasury not otherwise appropriated, in such manner as to them may seem most advisable, in the settlement of the Bonds of the State: *Provided*, they retain in their hands, a sufficient amount of the assets of said Bank, to pay off the amounts that may be due the several townships in this State, and the interest on the University fund, in such manner as may be prescribed by law.

Sec. 3. *And be it further enacted*, That no more of the circulation of the State Bank or Branches shall be burned, unless said Commissioners shall so order on account of its depreciation; and then, no more than may be necessary, in their opinion, to stop the depreciation of the same.

Sec. 4. *And be it further enacted*, That any vacancies which may happen in said Commissioners, during the recess of the Legislature, shall be filled by the Governor, with the con-

currence of the remaining Commissioner, or Commissioners, or a majority of them; which appointments shall continue until filled by the Legislature.

Sec. 5. *And be it further enacted*, That if said Commissioners, or either of them, use any of the funds, means, or assets, assigned them, for any other purpose than the purposes herein specified, and the needful expenses arising thereon, they shall hereafter, on conviction by a jury, be rendered forever incapable of holding any office of honor, profit, or trust, in the State of Alabama.

Penalty for using funds contrary to law.

Sec. 6. *And be it further enacted*, That hereafter it shall not be lawful for any Bank debtor to remove his property beyond the limits of this State, until they make such settlement with the Commissioners as is satisfactory to them; and should any Bank debtor move his effects from this State, with intent to defraud any of the Banks of this State, contrary to the provisions of this act, he shall upon conviction, be liable to such imprisonment in the Penitentiary, as the jury trying the same may assess against him.

Bank debtors shall not remove their property.

Penalty.

Sec. 7. *And be it further enacted*, That said Commissioners, whenever they may think the public interests require the same, shall be authorized to remove all of the assets of said Bank and Branches, and books and accounts, evidences of debt of whatever form, titles for land, lots or buildings, to the Seat of Government of the State.

Commissioners may remove assets to Seat of Government.

Sec. 8. *And be it further enacted*, That it shall be the duty of the Commissioners, at the expiration of twelve months, from the passage of this act, and every six months thereafter, to make to the Governor a full and complete report of all debts that they may have collected, and to what class of debts the said debts so collected belong, and upon what terms such debts had been collected; and that it shall be the duty of the Governor to cause a condensed statement of every report of said Commissioners, to be published in one of the newspapers at the Seat of Government.

To report to the Governor the amount collected, &c.

Statement of, to be published.

Sec. 9. *And be it further enacted*, That the Commissioners shall each be allowed two thousand five hundred dollars per annum, for their services; and before they enter upon their duties, shall take and subscribe an oath, that they will faithfully perform the duties required of them by this act, having regard alone to the interest of the public, free from favor or prejudice, for, or against, any of the debtors of said State; which oath shall be filed in the office of the Secretary of State.

Salary of Commissioners.

Sec. 10. *And be it further enacted*, That the powers now vested in the President and Directors of the State Bank and Branches, for the control and management of said Banks, and the securing and collection of the debts due the same, not repealed by the provisions of this act, be, and the same are here-

Further powers vested in Commissioners.

Bank attorneys salary not to be increased.

Compensation to agents.

Banks shall not be required to give statutory bonds.

by vested in said Commissioners; and the corporate names of the said Bank and Branch Banks may be used, as heretofore, in the conduct of their affairs, respectively, and in suits for and against them; and the certificate heretofore required to be made by the Presidents of said Banks, may be made by said Commissioners, or any agent, or attorney, appointed by them: *Provided*, the salary of the Bank attorneys appointed by said Commissioners shall not be increased on the amount now paid them by existing law; and that it be made their duty to attend to the business of the Bank in each of the counties adjoining the one in which the Bank is located: *And provided further*, that the compensation given to agents for compromising and settling the bad and doubtful debts, shall not exceed in any case more than four dollars per day, for the time such agent or agents may be employed by the Commissioners.

Sec. 11. *And be it further enacted*, That in all proceedings for the recovery of debts due to said Banks, or for defence of suits against said Banks, either at law or equity, it shall not be necessary for said Banks to give any statutory bond now provided in judicial proceedings; and any sheriff, coroner, or other officer, executing any process or order in such proceeding, shall be indemnified by said Banks for any damages which may be recovered against them, by reason of their action thereon, in the same manner as if bond had been given.

Sec. 12. *And be it further enacted*, That the present officers of said Banks are hereby continued in office, until said Commissioners qualify, and enter upon the discharge of their duties.

Approved, 4th February, 1846.

[No. 3.]

AN ACT

To prevent collecting officers from speculating in the public money.

Tax collectors to pay all specie collected into State Treasury. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the several tax collectors in this State, to pay into the State Treasury, all specie and specie funds collected by them, without exchanging the same for other funds.

Sheriffs, Bank attorneys, &c. Sec. 2. *And be it further enacted*, That it shall be the duty of all sheriffs, Bank attorneys, Bank agents, and all other persons authorized to collect money for the State, to pay over to the Bank or Banks, to which the same may belong, all specie or specie funds, without exchanging such funds for other funds, except such small change as may be necessary for the purpose of making change in collections.

Sec. 3. *And be it further enacted*, That if any of the officers mentioned in the first or second sections of this act, shall violate any of the provisions of this act, they shall be liable to indictment, and on conviction, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the jury trying the same.

Penalty for violating preceding sections.

Sec. 4. *And be it further enacted*, That all laws contravening the provisions of this act shall be, and the same are hereby repealed.

Approved, February 4th, 1846.

[No. 4]

AN ACT

To lease out the Penitentiary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of this State, be, and he is hereby authorized, to lease the Penitentiary of this State for the term of six years, on the terms and conditions hereinafter named.

Governor authorized to lease for six years.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, it shall be the duty of the Governor, to cause an advertisement to be made in some newspaper published in Mobile, Montgomery, Wetumpka, Tuscaloosa, Huntsville and Eufaula, that sealed proposals will be received at the office of the Secretary of State, during the term of two months from the date of such advertisement, to lease said Penitentiary for the term prescribed in the first section of this act: *Provided*, that if no lease shall be made within two months, the Governor shall advertise for two months longer. And it is hereby declared to be the duty of the Governor, to lease the same to the highest and best bidder per annum, for, and during the said term of six years, taking bond and security from the lessee as hereinafter provided: *Provided*, that the State shall in no case pay the lessee any thing in consideration of his taking charge of the Penitentiary, beyond the permission to take to himself the profits of the labor of the convicts: *And provided further*, that the contract made with such lessee, shall not be construed to impair or restrict the power of the Governor to pardon convicts, or commute their punishment, according to law: *And provided further*, that the Governor shall not be compelled to lease the same to the highest bidder, but shall exercise a proper and sound discretion, having reference to the amount bid, and the fitness of the person bidding.

To advertise that proposals will be received.

Proviso.

Sec. 3. *And be it further enacted*, That if any person, or persons, should give more for the lease of said Penitentiary, than the proceeds or profits of the same, per annum, they shall

Lessee to execute bond.

give bonds for the payment of such sums, payable at the expiration of each and every year, with good and sufficient security, to be approved by the Governor; and that for the payment of such sum as may be bid, the lessee, or lessees, to whom the lease of the Penitentiary shall be made, such lessee, or lessees, shall give bond or bonds; which bonds shall be taken in addition to the one hereinafter mentioned, and required to be executed by the lessee of said Penitentiary and his securities.

Powers and duties of lessee.

Sec. 4. *And be it further enacted*, That the lessee of said Penitentiary shall have the same power and authority, which is now by law given and appertains to the office of Warden of the Penitentiary; and shall also have sole authority in directing the employment and labor within the walls of the Penitentiary, of the convicts in said Penitentiary; and shall have and receive to his own use all the profits and products of the labor of the said convicts; and it shall be the duty of the said lessee to perform all the duties now by law required of the Warden of the Penitentiary, except where the requirement of such duties will conflict with the provisions of this act.

Powers and duties of Inspectors.

Sec. 5. *And be it further enacted*, That Inspectors shall be chosen as now provided for by law, whose duties shall be the same as heretofore, except that they shall have no authority in directing the employment of the convicts in said Penitentiary, or in supervising and directing the contracting of said lessee for the sale of the articles made in said Penitentiary, or for the purchase of articles for the same, further than to see that the convicts are sufficiently provided with wholesome food and comfortable clothing, and that a sufficient number of competent guards are provided for the safe keeping of the convicts; and that a suitable chaplain be employed to perform religious services among them, every Sunday. And the said Inspectors shall not be required to examine into, or report the pecuniary transactions of said Penitentiary.

Inspectors to take an inventory of property, and appraise the same.

Sec. 6. *And be it further enacted*, That as soon as the lessee shall qualify, by taking the oath and giving the bond hereafter described, it shall be the duty of the Inspectors of the Penitentiary, to take a correct inventory of all the property, of every kind and description, belonging, or in any way appertaining to said Penitentiary, the money, notes and open accounts due said Penitentiary excepted, and make a correct appraisement of the value of each and every article of said property, and shall record the same in the book to be kept as hereinafter named. And it shall further be the duty of said Inspectors, after making said inventory and appraisement, to surrender to said lessee all the property so inventoried and appraised, and the keys of said Penitentiary, and all the buildings therewith connected. And the said lessee shall give a

receipt for the property in said inventory, which receipt shall be conclusive and binding on said lessee.

Sec. 7. *And be it further enacted*, That the said Inspectors shall, from and after the qualification of said lessee, according to the provisions of this act, keep the regular minutes of their proceedings, which the clerk of the Penitentiary is now by law required to keep. To keep minutes of their proceedings.

Sec. 8. *And be it further enacted*, That the officers heretofore included in the organization of the Penitentiary, with the exception of Inspectors and Physician, be, and the same are hereby abolished; and the said lessee shall have the exclusive power of choosing such officers, assistants, turnkeys and managers as he may see fit to employ: *Provided*, that he shall be responsible for their neglect and malfeasance in their several offices. And the said lessee shall defray all the expenses, (including the pay of the Physician and Inspectors, at the rates now prescribed by law,) and he and his securities on bond hereinafter named, which may be put in suit at the instance of any person interested, shall be responsible for all the expenses of said Penitentiary. And at the expiration of said term of six years, the said lessee shall return the said Penitentiary, in as good condition as when he received the same, and all the buildings and grounds therewith connected, and all the other property surrendered to him, or property of equal value and like description, to such person or persons as may by law be designated for that purpose: *Provided*, that said lessee shall not be responsible for accidents that do not occur by the negligence of him, the said lessee, or some of his officers; but all accidents by which damage is done to the State or Penitentiary, shall be considered as happening by the neglect or default of the lessee, or some of his officers, or agents, unless the contrary be proved to the satisfaction of a jury. Lessee may choose his own officers.
Proviso.
He shall defray all expenses.

Sec. 9. *And be it further enacted*, That the police of said Penitentiary be, and the same is hereby so amended as to authorize the said lessee, with the consent and approbation of the Inspectors, to prolong the confinement of any convict five days for each day during which they may be confined in a cell as punishment. And the said lessee may be allowed, by, and with the consent and approbation of the Inspectors, in each case, first to be obtained in writing, specifically prescribing and limiting the punishment, to inflict moderate corporeal punishment, by whipping, not exceeding thirty-nine lashes at any one time, and always in the presence of one of the Inspectors, when all other lawful modes of punishment may have failed to secure the good conduct and diligent attention to his labor, of any convict: *Provided*, nothing in this section shall apply to female convicts. Police of Penitentiary, how amended.

Sec. 10. *And be it further enacted*, That it shall be the

Duties and
liabilities of
Lessee.

duty of said lessee to provide good and sufficient guards for said Penitentiary, and wholesome food and comfortable clothing for the convicts; to treat the convicts in all respects humanely, without imposing upon them labor injurious to their health, or such, or more, than they are able to perform; to keep them engaged at manual labor within the walls of the Penitentiary; and to take such steps as will secure their safe-keeping; and in all respects to guard their health and morals. And the said lessee shall take and subscribe an oath, besides the oath now prescribed by law to be administered to the Warden of the Penitentiary, to perform all the duties prescribed in this act, and for the performance of all the duties prescribed in this or any other law, not repealed by this act, and for the fulfillment of all the stipulations of his contract; he shall give bond and security in the sum of twenty-five thousand dollars, payable to the State of Alabama, and to be by the Governor approved, and to be filed with the affidavit required by this act, in the office of the Secretary of State; and a certified copy of the said bond, under the hand and seal of the Secretary of State, shall be received in evidence in all the Courts of law and equity of this State; and for a violation of any of the provisions of this section on the part of said lessee, or any other person or persons under his control, or in his employment, the said lessee shall moreover, be liable to indictment, and on conviction thereof, shall be fined in such sum as the jury trying the offender may assess; and it shall be the duty of the Inspectors, to see that prosecutions are instituted for a violation of any of the provisions of this section: *Provided*, that at any time during said lease, the Governor may, and he is hereby required, to ask such new and additional security to the bond of the said lessee, as may be deemed necessary: *And provided further*, that said bond shall not become void because of one recovery, but may be sued on from time to time as often as may be proper to effect the objects of this act.

To give bond

Proviso.

Lessee may
make im-
provements.

Sec. 11. *And be it further enacted*, That the said lessee may, with the consent and approbation of the Inspectors, make such improvements in the Penitentiary buildings as may be necessary; and he shall be allowed a credit for the cost thereof out of the tools and finished and unfinished work surrendered to him under this act; but no such improvement shall exceed in value, the appraised value of the property to be delivered to the lessee under the sixth section of this act.

Duties of pre-
sent Warden.

Sec. 12. *And be it further enacted*, That the Warden of the Penitentiary elected by the present legislature, shall act as such until the Penitentiary shall be offered and leased under the provisions of this act; and if the Governor fail to lease the same after the expiration of the notice given, then the War-

den so elected shall continue in office until the end of the next session of the General Assembly; and while holding said office, he shall perform the same duties, and receive the same compensation as now provided by law.

Sec. 13. *And be it further enacted*, That if said lessee, or other person employed by him in pursuance of the provisions of this act, shall voluntarily suffer any convict imprisoned in the Penitentiary to escape, or shall in any way consent to such escape, he shall be punished in the Penitentiary for a period equal to the unexpired time of the convict, or convicts escaping, if such unexpired term shall exceed two years; and in no case less than two years.

Penalty for
permitting
convicts to
escape.

Sec. 14. *And be it further enacted*, That it is hereby made the duty of the said Inspectors, so soon as the same is leased out, to take charge of all debts belonging to said Penitentiary, whether the same be due by note or open account, and forthwith collect the same; and the said debts when collected, as also all moneys which may be on hand, belonging to said Penitentiary, deposit in the Branch Bank of the State at Montgomery, to the credit of the Comptroller of Public Accounts; all suits brought to recover debts due said Penitentiary, shall be brought in the name of the Governor of the State of Alabama, and his successors in office, for the use of the Penitentiary.

Inspectors to
collect the
debts, &c.

Sec. 15. *And be it further enacted*, That it shall be the duty of the said lessee under the provisions of this act, to assume all contracts, which may have been entered into by the officers of said Penitentiary, for the supply of rations and materials, not delivered at the time of the lease, for the use of the Penitentiary for the present year.

Lessee to as-
sume con-
tracts.

Sec. 16. *And be it further enacted*, That whenever said Penitentiary shall be leased, that it shall be the duty of the Inspectors to make final settlement with the Warden and officers of said institution, and all other persons to whom said institution may be indebted, and certify the same; and on production of said certificate to the Governor, he shall order the same to be paid out of the State Treasury.

Inspectors to
settle with
Warden, &c.

Sec. 17. *And be it further enacted*, That should a lease of the Penitentiary fail to be made, the sum of fifteen thousand dollars is hereby set apart to defray the current expenses of the same for two years, to be paid out of any moneys in the Treasury not otherwise appropriated.

Provision in
case of failure
to lease.

Sec. 18. *And be it further enacted*; That all laws and parts of laws, coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, 4th February, 1846.

[No. 5.]

AN ACT

To regulate settlements in the Orphans' Court.

Settlement,
how made.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where it has heretofore, or may hereafter become necessary to appoint an administrator *de bonis non* in this State, it shall be lawful for the Orphans' Court, upon a final settlement being made by the first administrator, or executor; or in case of his death, by his administrator or executor, for such deceased executor, or administrator, to render a decree for any balance which may be found to be due in such settlement in favor of the administrator *de bonis non*, or of the heirs and distributees, as to the Court may seem proper.

Administrator
de bonis non
liable, &c.

Sec. 2. *And be it further enacted,* That such administrator *de bonis non*, shall be liable to account for any moneys so received from the previous administrator, or executor, as fully, and in the same manner as if the same had come into his possession in the ordinary course of administration.

Approved, 4th February, 1846.

[No. 6.]

AN ACT

To authorize and require the Governor of the State of Alabama, to apply for and receive the distributive share of the proceeds of the Public Lands, set apart for the State of Alabama.

Duty of Gov-
ernor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama be, and he is hereby authorized and required to apply for, and receive the amount of moneys now in the National Treasury deposited to the credit of the State of Alabama, by an act of Congress passed in the year one thousand, eight hundred and forty-one, distributing the proceeds of the Public Lands.

How to be ap-
propriated.

Sec. 2. *And be it further enacted,* That the Governor of the State of Alabama, be, and he is hereby required, immediately upon the reception of said fund, to appropriate, or cause to be appropriated, the same to the payment of the interest and principal of the State Bonds.

Sec. 3. *And be it further enacted,* That in receiving the portion of the fund now allotted to Alabama, from the act of distribution already passed by the Congress of the United States, Alabama does not thereby sanction that policy, but still disapproves it, and is opposed to any like legislation in future.

Approved, 4th February, 1846.

[No. 7.]

AN ACT

To authorize the Judges of the Supreme Court to appoint a Marshal for said Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the tenth section of an act passed in eighteen hundred and nineteen, as makes the sheriff of the county in which the Supreme Court shall be holden, sheriff of the said Supreme Court, be, and the same is hereby repealed. Repealed.

Sec. 2. *And be it further enacted,* That the Judges of the Supreme Court shall have the power, and they are hereby required to appoint a Marshal of said Court, to perform the duties now required to be performed by the sheriff, and such other duties as may be required by the Court not inconsistent with law. Marshal to be appointed.

Sec. 3. *And be it further enacted,* That said appointment shall be entered upon the minutes of said Court, and said Marshal shall take an oath faithfully to discharge the duties required of him by law; and shall receive for his services one hundred and fifty dollars per annum; and the Comptroller of the State shall issue his warrant upon the Treasurer for one half of said sum at the end of each term of said Court, upon the certificate of the Chief Justice of the Supreme Court, that the services have been rendered. Compensation of.

Approved, 6th January, 1846.

[No. 8.]

AN ACT

To authorize a summary remedy on Indemnifying Bonds, given for levying an Attachment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, in all cases where indemnifying bonds are given to a sheriff, coroner, or constable, for levying an attachment, as now authorized by law, if suit is instituted against him, or against any of his deputies for making such levy, he shall have the same summary remedy against the obligors in said bonds, as is now allowed against the obligors in bonds, bonds to indemnify such officers for levy and sale under an execution. Sheriffs, &c. to have summary proceedings.

Sec. 2. *And be it further enacted,* That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 9.]

AN ACT

Regulating Chancery proceedings.

Copies of bill
not to be
served.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in suits in Chancery hereafter to be commenced, it shall not be necessary to serve the defendants with copies of the bill; but that after the service of the subpoena, copies of the bill shall be furnished, upon the application of the defendants, or their solicitors; the cost of which shall be taxed as other costs.

Approved, 4th February, 1846.

[No. 10.]

AN ACT

To regulate Tavern Licenses.

Applies only
cities, towns,
and villages.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the law as relates to tavern licenses, shall be construed so as to apply to cities, towns, and villages, only: *Provided,* that nothing in this act contained, shall be so construed, as to change or alter the liability of bailees under existing laws.

Approved, 9th January, 1846.

[No. 11.]

AN ACT

To amend An Act concerning the appointment of Trustees by the Registers in Chancery.

Registers
may appoint
trustees in
certain cases.

Notice to be
given to par-
ties interested

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any trustee shall die, resign his or her trust, fail or refuse to act as trustee, or shall remove beyond the limits of this State, on the application of any person or persons interested in the trust estate, to the Register in Chancery of the proper Chancery district, it shall be his duty to appoint one or more trustees in the place and stead of such trustee: *Provided,* that the register to whom such application shall be made, shall cause twenty days notice in writing to be given to all persons interested in such trust estate, of the time and place of such application; and in case of the non-residence of all or any of the parties interested in such trust estate, such register shall cause publication to be made in some newspaper, printed in this State, for sixty days, stating the time and place, when and where such application will be made and determined.

Approved, 13th January, 1846.

[No. 12.]

AN ACT

Providing for Attachments in Chancery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any person or persons who are non-residents of this State, have any real or personal property of either a legal or equitable nature, or any choses in action within this State, or when any person or persons within this State, whether residents or not, are indebted to any person or persons who are non-residents as aforesaid, and the latter named non-residents shall be indebted to any citizen of this or any other State or States, it shall be lawful for such last named creditor or creditors, without first having obtained a judgment at law, to file a bill in Chancery to have said real or personal property, choses in action, and debts attached : *Provided*, that affidavit is made by the complainant or complainants, or some one of them, that the defendant or defendants are indebted as charged in the bill, and that the defendant or defendants are non-residents, and it shall be the duty of the sheriff, or other officer, to attach and to take into his possession the personal property, or so much thereof, as is necessary to satisfy the complainants claim, repleviable in such manner as the Judge or Chancellor granting such attachment may direct, and to levy such attachment upon the real estate of the defendants, whether the said personal or real estate be legal or equitable, which said property shall be sold to satisfy said claim in the manner hereinafter directed.

Property of
non residents,
how attached.

Proviso.

Sec. 2. *And be it further enacted,* That where any debt, or chose in action, due to any non-resident debtor is attached as aforesaid, the person or persons who owe said debt to said non-residents, or the person in whose possession such chose or choses in action may be, shall be made defendant to the bill ; and if after the service of a copy of the bill and subpœna, they should pay, or secrete the debt or effects in their hands, or purchase in any other claim or claims against such non-resident defendant, he or they shall be liable to the same extent they would have been, had they not so paid and secreted, or purchased in the claims as aforesaid.

Who shall be
made parties
to bills.

Sec. 3. *And be it further enacted,* That the provisions of the foregoing sections, shall apply to cases of absconding as well as non-resident debtors, and to such debtors as are fraudulently disposing of their property : *Provided*, that said bill charges, that said defendant or defendants has or have absconded, or left the State, or are disposing of their property with fraudulent intent : *Provided further*, that before issuing such attachment or process contemplated by either of said sec-

Provisions of
this act to ap-
ply to abscon-
ding debtors.

tions, it shall be the duty of the Judge or Chancellor to require such bond and security as is now required upon attachments at law; and all attachments under this act shall be issued by the register of the court in which the bill is filed, on the order of any Chancellor or Circuit Judge of this State.

Perishable
property, how
disposed of.

Sec. 4. *And be it further enacted*, That when any attachment is ordered to issue as aforesaid, and the same is levied upon perishable property, it shall be the duty of the officer levying the same, to sell such property, first giving ten days notice of the time and place of sale; and it shall be his duty to make a return of his proceedings, and deposit the proceeds of the sale with the register and master of the court in which the bill is filed.

Publication to
be made be-
fore final de-
cree is ren-
dered.

Sec. 5. *And be it further enacted*, That no final decree shall be made in any case arising under this act, until publication shall have been made as now prescribed by law in other Chancery cases, which publication shall state the names of the parties, and briefly set forth the substance of the bill; and when said decree is made as aforesaid, it shall be as binding and conclusive so far as the property and effects attached are concerned, as if process had been executed personally upon the defendant.

Property to be
disposed of,
and proceeds
applied.

Sec. 6. *And be it further enacted*, That when said court pronounces said decree, it shall order the property attached to be sold upon such terms and conditions as will be equally beneficial to both parties, or when perishable property has been sold and the money is in court, or when debts or choses in action have been attached, the court shall render such decree as the nature of the case may require, appropriating however, the same to the satisfaction of the complainants claim; and should the property attached be insufficient to pay the amount of the decree, an execution may issue for the balance, to be levied upon other property in the State, or the Register may issue a summons garnishing any other debtor or debtors of said principal defendant, in the same manner, and subject to the same rules that garnishments are now under, by the laws of this State.

Debts, &c.
subject to at-
tachment.

Sec. 7. *And be it further enacted*, That debts or choses in action, whether due or not due, may be attached under this act: *Provided however*, that the cause shall be continued on the docket, and no final decree rendered thereon, until said debt or choses in action, are due and payable.

Securities, &c.
may attach
property of
principal
when abscon-
ding, &c.

Sec. 8. *And be it further enacted*, That when any person has or shall become bound as accommodation indorser, or security, and his principal is about to remove, or is removing or absconding, or conveying off his property beyond the limits of this State, or disposing of the same with fraudulent intent, the provisions of this act shall apply; and upon affidavit being

made to the bill, an attachment shall issue at the suit of said indorsor or security, whether the debt for which he is security be due or not: *Provided*, that if it is not due, no decree shall be made until it is due: *And provided further*, if the defendant will give bond and security to be approved of by the court indemnifying said complainant, the attachment shall be discharged: *And provided*, that the register in vacation, may also take such bond and security, from which time the attachment shall cease to operate: *And provided also*, that the proceedings under this act, shall not prevent said indorsor or security from being sued, and the money recovered from him by the creditor.

Proviso.

Sec. 9. *And be it further enacted*, That any transfer, sale, assignment, &c. made by any non-resident or absconding debtor, of any property, estate or effects, attached by proceedings had by virtue of this act, after such attachment, shall, as against the complainant or complainants, be inoperative and void.

Transfers of property by non residents void.

Sec. 10. *And be it further enacted*, That this act shall not be construed to authorize the attachment of any debt due by bill of exchange, draft, or promissory note, negotiable or payable at Bank and not past due, or by Bank check, or certificate of deposit.

Explanatory.

Approved, 5th February, 1846.

[No. 13.]

AN ACT

To amend the laws relating to Forcible Entry and Detainer, and Unlawful Detainer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in all cases of forcible entry and forcible detainer, and unlawful detainer, the execution of any writ of restitution therein shall not be suspended, by the removal of the proceedings in any such cause, by the defendant thereto, to the Circuit Court, by writ of certiorari, until bond and security approved by the clerk of said Court, shall be given, in a sum sufficient to secure and satisfy all costs, and one year's rent of the premises in controversy, payable to the party who succeeded in such cause; and conditioned that the party removing it as aforesaid shall prosecute the same to effect, and if he fail therein, pay to the obligee in such bond all such costs and damages, as he may sustain by reason of having wrongfully removed said cause as aforesaid.

Writ of restitution not suspended until bond is given.

Sec. 2. *And be it further enacted*, That it shall be the duty of every justice of the peace, who shall try a case of forcible entry and forcible detainer, or unlawful detainer, to interrogate the witnesses summoned, or any other person he may see fit to

Justices to ascertain value of premises.

summon, as to the annual value of the premises in dispute; and the amount so ascertained, shall be certified by the justice of the peace, as part of the proceedings of said case, and taken and considered by the Judge granting the writ of certiorari as the true annual value of the premises.

Bond not to
be vacated.

Sec. 3. *And be it further enacted*, That the bond herein provided for, shall not be vacated by the prosecution of a writ of error to the Supreme Court, but shall remain and abide by the decision of said Supreme Court.

Approved, 29th January, 1846.

[No. 14.]

AN ACT

To authorize justices to issue writs of Garnishment returnable to the Circuit or County Courts in certain cases.

Writs of gar-
nishment,
how issued.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That whenever the amount due on any judgment, with interest, heretofore or hereafter rendered by any justice of the peace in this State, shall exceed fifty dollars, it shall be the duty of any justice renewing said judgment, or in whose custody the said judgment may be, on application by the plaintiff, his agent, or attorney, to issue a writ of garnishment, under the same rules and regulations now in force in regard to the issuance of garnishments, on said judgment, returnable to the next Circuit or County Court of his county: *Provided*, said application be made fifteen days before the holding of said court; and if not so made, then the said writ shall be returnable to the second Circuit or County Court thereafter to be held for said county.

Proviso.

Powers and
jurisdiction of
Court.

Sec. 2. *And be it further enacted*, That the court to which the said writ of garnishment is so made returnable, shall have as full and complete jurisdiction over the same as if said writ had issued out of said court; and the said court shall proceed thereon in the same manner and under the same rules as in writs of garnishment, on judgments issued out of said court.

Justices to
send up a
transcript, &c

Sec. 3. *And be it further enacted*, That the justice issuing said writ, shall send up to the court, to which the said writ is made returnable, a complete transcript of the judgment on which said writ issued, and of all other proceedings had thereon.

Duty of clerk.

Sec. 4. *And be it further enacted*, That if any writ so issued as aforesaid, shall not be executed before the return day thereof, the clerk of the Court to which said writ is made returnable, shall issue an alias, or pluries, as in other cases of garnishment, issuing out of said court.

Sec. 5. *And be it further enacted*, That said writ of garnishment, issued as aforesaid, by said justice shall be executed

by the sheriff or coroner of the proper county, as in cases of attachment issued by justices returnable to the Circuit or County Courts. Execution of writ.

Sec. 6. *And be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 15.]

AN ACT

To provide for the payment of the interest on the Sixteenth Section Fund.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act it shall be the duty of the Bank Commissioners to pay the interest upon the sixteenth section fund, which may be deposited in the Bank of the State of Alabama or any of its Branches, as the President and Directors of the said Bank and Branches have been heretofore required to do. Commissioners to pay interest.

Approved, 4th February, 1846.

[No. 16.]

AN ACT

To amend the Attachment Laws.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter when a writ of attachment may be sued out, either in favor of, or against a non-resident, the bond required to be given by law, may be taken and approved by the officer who may issue such writ of attachment. Bond how approved.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 27th January, 1846.

[No. 17.]

AN ACT

The better to secure the administration of impartial justice in Criminal Cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the proviso of the tenth section of the thirteenth chapter of the Penal Code, in Clay's Digest, at page four hundred and seventy-one, be, and the same is hereby repealed; Bill of exceptions allowed.

and a bill of exceptions shall be allowed to defendants in all prosecutions for crimes and misdemeanors, as now provided for by law in cases punished capitally, or by confinement in the penitentiary.

Approved, 29th January, 1846.

[No. 18]

AN ACT

To authorize Manufacturing, and for other purposes.

How manu-
facturing
companies
may be form-
ed.

Shall state
object, &c.

By-Laws.

General pow-
ers of incor-
poration
granted.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That wherever two or more persons shall be desirous to engage in manufacturing cotton, wool, iron, working marble or slate quarries, or any other manufacturing and mining pursuit, requiring a combination of capital and labor, they may make, sign, and deliver before any officer of the State of Alabama, authorized to take the acknowledgment of deeds, a declaration in writing, in which shall be stated, First—The name of the company, and the object for which it shall be formed. Second—The amount of the capital stock of the company. Third—The number of shares of which said stock shall consist. Fourth—The names of the stockholders, with the number of shares owned by each; which said declaration shall be recorded in the office of the clerk of the County Court of the county in which said business is to be carried on; and the said company shall have power to make necessary by laws to carry on their business; and in all votes to be given, each share shall entitle the owner to one vote, and the shares shall be transferable on the books of the company, and shall be deemed personal property.

Sec. 2. *And be it further enacted,* That so soon as said declaration is filed and recorded, the persons who shall have signed and acknowledged the same, and their successors, shall become a body corporate and politic, by the name stated in said declaration; and by that name, they and their successors shall have succession, and shall be persons in law capable of suing and being sued, in all courts and places whatsoever, in all manner of actions whatsoever, and may have a common seal, and alter the same at pleasure; and by their corporate name shall in law be capable of buying, holding, and conveying lands, tenements, and hereditaments, goods, wares, and merchandise, necessary to enable said company to carry on the business mentioned in said declaration: *Provided,* the capital stock of no company shall exceed two hundred thousand dollars; *And provided also,* no such incorporation shall continue for a longer term than twenty years, except for the purpose of being sued, unless it shall be renewed according

to law within two years next before the expiration of its term; but it shall be liable to be sued until its debts and obligations are all discharged.

Sec. 3. *And be it further enacted*, That the stockholders in any such company shall be individually liable to the extent of their stock, for all debts due by the company at the time of its dissolution, and no further: *Provided*, that it shall not be lawful for any company organized under this act, to exercise banking privileges. Stockholders liable, &c.
Banking privileges prohibited.

Sec. 4. *And be it further enacted*, That the copy of any declaration filed in pursuance of this act, and certified to be a true copy, under the seal of the Court, where the same is recorded, shall be evidence in all Courts and places, of the incorporation of said company. Evidence of incorporation

Approved, 4th February, 1846.

[No. 19.]

AN ACT

To protect the rights of Married Women.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in all cases where a married woman may be entitled to a legacy, or to a distributive share, of the estate of a deceased person, or to any other chose in action, not reduced to possession, she may, by filing a bill in Chancery, have such legacy, distributive share, or choses in action, vested in a trustee for her sole and separate use and support, and for the support and maintenance of her family, if it shall be made to appear to the Chancellor that the same would probably be lost to her, if permitted to go into the hands of her husband, either from his insolvency, intemperance, or improvidence; and in like manner, if she has an interest in lands belonging to the estate of a deceased person, either by descent or devise, the same may be secured for the foregoing purposes, by filing a bill pursuant to the provisions of this act, at any time before a division of such lands shall have been made. Property may be vested in a trustee for use of married women.

Sec. 2. *And be it further enacted*, That in proceedings under this act, no person shall of necessity be made defendants, except the husband and the executor or administrator of such deceased person, or the person in debt to the wife, or who may hold the choses in action not reduced into possession on account of said wife; and on due proof the Chancellor shall appoint a trustee in whom shall be vested such legacy, lands, or distributive share for the purposes aforesaid. And to simplify proceedings under this act, the bill need not describe the particular interest in the estate of a deceased person attempted to be secured, nor need the decree otherwise describe it, than as the Proceedings, how regulated.

share of such married woman, of such estate; which decree shall be filed in the office of the clerk of the Orphans' Court having jurisdiction of such estate; whereupon each share when ascertained, or if previously ascertained, shall vest in said trustee.

Married women may dispose of property.

Sec. 3. *And be it further enacted*, That such married woman shall have a right to dispose of any such property, real or personal, by will; and in case of her death, without having made such disposition, the same shall be divided and distributed, as in other cases of intestacy.

Approved, 4th February, 1846.

[No. 20.]

AN ACT

For the relief of Married Women in certain cases, and for other purposes.

Courts of Chancery shall have jurisdiction in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Courts of Chancery shall have and exercise jurisdiction over the estate, real and personal, of all persons, who by reason of imbecility, intemperance, or profligacy, are unfit, or incapable of conducting and managing their own affairs, and are wasting and squandering their estates and have a wife or child, or children, such child or children being under the age of twenty-one years, and which wife, or child, or children, are likely to be greatly injured, neglected, or brought to want, by such incapacity and wasting; and shall also have jurisdiction over the earnings and estates of married women, in the cases hereinafter named and provided.

Wife, &c. may file bill for relief.

Sec. 2. *And be it further enacted*, That the wife and child, or children, or any or either of them, the said child or children, being under the age of twenty-one years, of any person unfit or incapable as aforesaid, or supposed to be, so unfit or incapacitated, may by their next friend or guardian, file a bill in Chancery, to inquire into, and try the fact of unfitness or incapacity, and of the wasting and squandering aforesaid, and for general relief; and said bill and the proceedings thereon shall be governed by and conducted according to the rules and practice in Chancery; and the Chancellor shall have power pending such bill to provide for the safe-keeping and preservation of the estate of the defendant, and for such support and maintenance for the complainants as the equity of the case may require.

Court to provide for the preservation of estates.

Sec. 3. *And be it further enacted*, That whenever it shall be decreed that any person is unfit or incapacitated as aforesaid, and is wasting and squandering his estate as aforesaid, then the said Court shall have power to provide for the preser-

vation and safe-keeping of the estate of such person, and out of such estate to provide for the support and maintenance of the wife and child, or children, under the age aforesaid, of such person, and the education of the child or children of such person under the age aforesaid, saving, reserving, and protecting the rights of creditors in all cases.

Sec. 4. *And be it further enacted*, That when any person shall have abandoned his wife, or is unfit or incapacitated as aforesaid, and shall have wasted his estate, or from any cause shall have no estate beyond what the law exempts from sale under execution, and the wife of such person, by her own personal industry shall be able to maintain herself, or maintain herself and accumulate property, then she may, by her next friend, apply to a Court of Chancery to have her earnings and accumulations, the result of her labor and industry, protected and secured to her sole and separate use, in the same manner that the separate estates of married women are now protected and secured by the Courts of Chancery.

Wife may file bill to protect her earnings.

Sec. 5. *And be it further enacted*, That no costs whatever shall be taxed against such married woman, or her next friend, in any suit, proceeding, or proceedings instituted, prosecuted, or had in conformity with, or by virtue of, the provisions of the fourth section of this act.

No costs to be taxed.

Sec. 6. *And be it further enacted*, That the property of the wife at the time of the marriage, or which she may receive by descent, bequest, or gift, shall not be subject to the debts or liabilities of the husband, contracted or incurred before the marriage; nor shall the husband be liable to pay the antenuptial contracts or liabilities of the wife, further than the property received by the wife; but such property received by the wife, shall be liable to her debts notwithstanding the termination of the coverture.

Property of wife not subject to her husband's debts, &c.

Approved, 31st January, 1846.

[No. 21.]

AN ACT

To authorize the Commissioner's Courts of Roads and Revenue to prescribe the width of Lanes on all Public Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the Judge of the County Court, and the Commissioners of Roads and Revenue, in each and every county in this State, shall have power to alter and prescribe the width of lanes on all public roads, within the limits of their respective counties: *Provided*, no lane shall be made wider than now prescribed by law.

Commissioners shall have power to prescribe width of roads, &c.

Proviso.

Sec. 2. And be it further enacted, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1846.

[No. 22.]

AN ACT

To amend an act for the better regulating the State Printing, and altering the mode of paying for the same, approved February fourth, eighteen hundred and forty.

Secretary of
State to ad-
vertise for
proposals for
printing pre-
sent laws, &c.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That immediately after the passage of this act, it shall be the duty of the Secretary of State, to advertise in two newspapers published in Tuscaloosa, that he will for twenty days, receive sealed proposals for printing the laws and journals of the two houses of the present session of the General Assembly, and the public printing that may be required before the commencement of the next regular session. And it shall be his duty at the expiration of the time stated in his advertisement, to open in the presence of the Governor all such proposals for doing the State Printing; and the lowest bidder shall be declared State Printer, for the time specified in said advertisement; he giving bond as now provided by law: *Provided,* that in no event shall the public printing be let out at a higher rate than twenty-five per cent. below the rates now established by law.

Proviso.

Laws and
Journals.

Sec. 2. And be it further enacted, That each page of the laws and journals shall contain fifty lines, or conform to that number, and shall be in all respects in as compact style as may be.

Blanks.

Sec. 3. And be it further enacted, That hereafter the blanks which may be furnished by the public printer for the Executive and State officers, shall be contracted for and furnished by the quire, without regard to composition or press work.

Proposals to
state the low-
est per cent.

Sec. 4. And be it further enacted, That all proposals for doing the State Printing, made to the Secretary of State, shall specifically state the lowest per centum on the prices established in the first section of the act above referred to, stating the different kinds of type and printing, as set forth in said first section.

Further duties
of the Secre-
tary of State.

Sec. 5. And be it further enacted, That it shall hereafter be the duty of the Secretary of State, three months at least before the commencement of each regular session of the General Assembly of this State, to cause notice to be published in three newspapers published in this State, having the greatest circulation, that he will for sixty days receive sealed proposals for doing the public printing for the State of Alabama for the next ensuing year, and all proposals for doing the same shall

specifically state the lowest per centum on the prices now fixed by law; and it shall be the duty of the Secretary of State on the day specified in his advertisement, to open all such proposals in the presence of the Governor, and the lowest bidder shall be declared State Printer for the term of two years: *Provided*, he shall first give bond in the sum of ten thousand dollars, payable to the Governor and his successors in office, with at least two good and sufficient securities, to be approved by the Governor, conditioned for the faithful discharge of his duties according to law and his contract. Printer to give bond.

Sec. 6. *And be it further enacted*, That if no person proposes to do the public printing at a lower rate than is now fixed by law, then and in that case the Secretary of State shall at his discretion, bargain with a public printer to do all the public printing for the State: *Provided*, he shall not in any case give more for any character of public printing than is now fixed by law. Provision in case of no bidders.

Sec. 7. *And be it further enacted*, That the State Printer so appointed, shall print and publish in the same manner as now fixed by law, two thousand copies of the Acts and Joint Resolutions of the General Assembly, eight hundred copies of the Journals of the House of Representatives, and eight hundred copies of the Senate Journals, and stitch and deliver them in the same manner as is provided in the seventh section of the above recited act. *Provided*, that any person who shall contract for the public printing under the provisions of this act, shall do the said printing at the Seat of Government. Number of Laws and Journals to be printed.

Sec. 8. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 21st January, 1846.

[No. 23]

AN ACT

To prevent non-residents from recovering compensation for slaves executed in this State in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter when any slave escapes from any other State or Territory, and shall be convicted and executed for crimes committed in this State, the owner or owners of such slave if not a resident of this State, shall not be entitled to demand or receive from this State, the value of such slave, or any part thereof; any law, usage, or custom, to the contrary, notwithstanding. Non residents shall not receive pay for slaves executed.

Approved, 29th January, 1846.

[No. 24]

AN ACT

For the removal of the Seat of Government from Tuscaloosa, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Seat of Government of the State of Alabama shall be, and remain in the city of Tuscaloosa, and considered as located in said city, until a State House equal in every respect to the one now occupied by the General Assembly, is erected and completed, and fully finished, at such place as the Legislature may hereafter select, by joint ballot of the two Houses of the General Assembly, free from public expense, and the keys of the same tendered and given to the Secretary of State, as a present to the State, together with a sufficient quantity of land on which said State House shall be built.

State House
to be built
free of public
expense.

Sec. 2. *And be it further enacted,* That within ten days after the passage and approval of this act, it shall be the duty of the General Assembly to elect by joint ballot five Commissioners, whose duty it shall be to examine the State House so erected, completed, and fully finished, and furnished, at the place which may be so designated, when called upon by the master builder of the same, and report within ten days after such examination to the Secretary of State, whether said new State House is equal in every respect to the one now occupied by the General Assembly.

Commission-
ers to be
elected.

To report to
Sec. of State.

Sec. 3. *And be it further enacted,* That if said Commissioners report that the said new State House and furniture, are equal in every respect, if not superior, to the one now occupied by the General Assembly, whenever thereafter the keys of the same shall be tendered, as aforesaid, by the master builder of the same, from the day on which said tender shall be made, the Seat of Government of the State of Alabama, shall be considered, and is hereby declared to be removed to such place as the General Assembly may hereafter select as aforesaid; and the archives of State, and all the furniture of the same, shall within three months thereafter, be removed to said new State House, free from public expense: *Provided,* that a good and inde-feasible title to the said land shall be made and delivered to the State of Alabama, at the same time when the keys are tendered as aforesaid.

When Seat of
Government
and public ar-
chives may be
removed.

Proviso.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 21st January, 1846.

[No. 25.]

AN ACT

Amendatory to An Act to appoint Commissioners to examine and report upon the new Capitol.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in case of vacancy, during the recess of the General Assembly, by death, resignation, or otherwise, of either of the Commissioners appointed to examine the new Capitol, when built, such vacancy shall be filled by the Governor, until the next meeting of the General Assembly : *Provided*, that the State shall not be taxed with any expense what-ever. Vacancies,
how filled.

Proviso.

Sec. 2. *And be it further enacted,* That the said Commissioners shall not be interested directly or indirectly in any contract for the erection or completion of the said Capitol.

Approved, 4th February, 1846.

[No. 26.]

AN ACT

To establish a Criminal Court, in the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there is hereby established in the city of Mobile, an inferior Court of record, to be called the Criminal Court for Mobile county, to consist of one Judge who shall reside in said city, or within six miles of the court house of Mobile county, be appointed in the same manner, take the same oaths, hold his office for the same term, and be removable for the same causes as Judges of the Circuit Courts of this State. Criminal
Court estab-
lished.

Sec. 2. *And be it further enacted,* That said Court shall have a seal, a clerk, and other officers for the exercise of its jurisdiction as the Circuit Courts have ; that the said clerk shall be appointed by said Court, serve the same term, give like security, be held to the same accountability, and be removed for the same causes as the clerks elected for the Circuit Courts. Clerk of court

Sec. 3. *And be it further enacted,* That said Court shall be holden, and the office of clerk thereof, kept at the court house of said city. It shall hold three terms in each year, commencing the first Mondays in November, February and June, and may, by special adjournment, hold such other terms as may be necessary for dispatch of business. Court, when
held.

Sec. 4. *And be it further enacted,* That said Court shall have concurrent jurisdiction with the Circuit Courts in the administration of criminal law, in said county ; and in order to confer upon said Court the same power and authority for the complete exercise of its jurisdiction, as is, or may be conferred upon the Circuit Courts, in the exercise of like jurisdiction, it Jurisdiction
powers of
said Court.

is declared, that all the laws conferring jurisdiction in criminal cases upon the Circuit Courts, giving them the power to hear and determine such cases, appoint and remove their officers, punish contempts, regulate their practice and forms of process, prescribing the duties of their officers, and of sheriffs and coroners, allowing established fees to such officers, and providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said Court, and its officers, as fully as they extend to the Circuit Courts. The Judge of said Court herein provided for, shall be a conservator of the peace in Mobile county, and as such, and in the exercise of the jurisdiction hereby conferred, shall, in the recess, or vacation of said Court, have the same power and authority as Judges of the Circuit Courts.

Supreme
Court shall
have appellate
jurisdiction.

Sec. 5. *And be it further enacted*, That the Supreme Court of this State shall have appellate jurisdiction over said Criminal Court, and causes may be removed from that Court to the Supreme Court in the same way provided by law for the exercise by that Court, of like appellate, or supervisory jurisdiction over the Courts or Judges of the Circuit Courts, or their judgments, or decrees.

Process.

Sec. 6. *And be it further enacted*, That the process of said Criminal Court shall be tested, served, returned, and be in form as is or may be provided for the process of the Circuit Courts, varying only in the style of the Court and conform to its terms.

Grand and
petit jurors.

Sec. 7. *And be it further enacted*, That the grand and petit jurors for said Court shall be drawn and impaneled in the same manner as is, or may be provided for juries of the Circuit Courts, and a venire therefor issued in the same way as is now provided; and the said Court shall have the same power to issue special venires and call in tales jurors as the Circuit Courts.

Grand juries,
when and
how summon-
ed.

Sec. 8. *And be it further enacted*, That no grand jury shall be summoned for any term of the Circuit Court of said county; but in case the Judge of said Court, at any time during the terms of said Court, shall find occasion for a grand jury, he shall direct one to be impaneled in the same manner as the law now provides, in cases where a grand jury has not been drawn and summoned, in consequence of the neglect of any officer charged therewith.

Salary of
Judge, how
paid.

Sec. 9. *And be it further enacted*, That the salary of the Judge of the Court hereby established, shall be fifteen hundred dollars a year, which shall not be diminished during his continuance in office, and be payable at the Treasury of the county of Mobile, out of any moneys therein unappropriated; and for the remuneration of said county for the payment of the same, the fines and forfeitures in all State cases in Mobile county to the full amount of said salary, shall be paid into said Treasury, in preference to any other appropriation of the same; and in all

State cases which shall be tried in the Criminal Court herein established, in which the defendant, after conviction, shall be unable to pay the costs of prosecutions, the same shall be paid out of the fines and forfeitures which have accrued, or may accrue in criminal cases in Mobile county.

Sec. 10. *And be it further enacted*, That whenever any change of venue shall be made from said Court, to any other Change of county, the Circuit Court trying such cause upon the change of venue, shall order the fine, or forfeiture, upon the conviction of the accused, to be paid when collected, to the sheriff of Mobile county, which shall be applied to the purposes herein provided.

Sec. 11. *And be it further enacted*, That the sheriff, coroner, Sheriffs, &c. and constables of the county of Mobile, shall be bound to at- to attend tend said Court, preserve order, and execute and return its pro- Court. cesses as they are, or may be required to do, in the Circuit Courts.

Sec. 12. *And be it further enacted*, That an act, entitled an act, in relation to costs of prosecutions in criminal cases in Mo- Repeal. bile county, approved, January twelfth, one thousand eight hundred and forty-four, and so much of the law as requires the holding of two special terms of the Circuit Court in Mobile county, on the first Mondays of February and June, of each year, for the trial of criminal causes and jail delivery, and all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 27.]

AN ACT

In relation to Elections, and to Biennial Sessions of the General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Senators and Representatives of the General Assembly Senators and Representatives, when elected. shall be elected on the first Monday in August, eighteen hundred and forty-seven, and on the first Monday in August biennially thereafter.

Sec. 3. *And be it further enacted*, That at the next general election, Senators shall be elected in every Senatorial district Election of Senators. throughout the State, and afterwards biennially, in those districts in which elections may be necessary to prevent vacancies.

Sec. 3. *And be it further enacted*, That the first regular session of the General Assembly, after the passage of this act, Regular sessions, when to commence. shall commence on the first Monday in December, eighteen hundred and forty-seven, and thereafter, regular sessions shall commence on the first Monday in December, every alternate year.

Vacancies in
office of sher-
iffs, &c.

Sec. 4. *And be it further enacted*, That whenever the term of office of any sheriff, clerk, tax collector, or of any other county officer, shall be about to expire in any county in this State; or whenever any such office shall have become vacant, there shall be an election holden in such county, on the first Monday in August in any year, when necessary to fill such office about to expire, or vacated as aforesaid.

Sec. 5. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, 4th February, 1846.

[No. 28.]

AN ACT

To repeal in part, An Act therein named.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all laws and parts of laws, heretofore passed, requiring the Governor to appoint Commissioners to examine and value the real estate belonging to, or held by the Branch Banks of this State, be, and the same are hereby repealed.

Approved, 4th February, 1846.

[No. 29.]

AN ACT

Regulating the Pardoning Power, and the Remission of Fines and Forfeitures.

Governor
may pardon,
and remit
fines.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, it shall be lawful for the Governor to exercise the power of pardoning persons convicted in any State prosecution, and of remitting fines and forfeitures, subject only to the following restriction: he shall in no case exercise such power previous to the trial and conviction of the offender.

Governor to
record his
reasons, &c.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Governor, to cause to be entered at large, in a book to be kept for that purpose, his reasons for granting a pardon, commuting a sentence, or remitting a fine; and to preserve on file all documents and papers on which he acted.

Repeal.

Construction
of act.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and they are hereby repealed: *Provided*, that nothing herein contained, shall prevent the Governor from commuting the punishment of death, to imprisonment in the Penitentiary for life, or for a term of years, under the provisions of the existing laws, and on the request of the convict.

Approved, 4th February, 1846.

[No. 30.]

AN ACT

To Establish and Abolish certain Election Precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* Precints es-
 That Election Precincts, be, and are hereby established, to wit : tablished.

At the house of Charles Royers, in the county of Morgan: Morgan
 At Shady Grove, at Mean's store house, in the county of Benton
 Benton :
 At the house of Franklin Strong, on Rock Creek, and at the Spout Spring, on Loss Creek, in the county of Franklin
 Franklin :
 At the store house of John H. Nettles, in the county of Sumter
 Sumter :
 At Solomon Garner's old place, in the county of Mont- Montgomery
 gomery :
 At Sandfort, at the store house of Robert Allen, in the county of Russell
 of Russell :
 At Pokeville, and at the house of Arthur Jones, in the county of Butler
 of Butler :
 At the house of Thomas Arnold, in the county of Pickens : Pickens
 At Spring Garden, in the county of Cherokee : Cherokee
 At the muster ground, in beat number eight, in the county of St. Clair
 St. Clair :
 At the Monroe Springs, in the county of Monroe : Monroe
 At the house of Robert Henry, and also at the store house of Captain Graham, and at the muster ground of beat number five, second battalion, thirty-fourth regiment, fifth brigade, and second division, Alabama militia, in the county of Pickens :
 Pickens :
 At John Harris' factory, in the county of Jefferson : Jefferson
 At the house of Henry Criswell, in the county of Talladega : Talladega
 dega :
 At the house of Francis M. K. in the county of Mar- Marshall
 shall :
 At the court house, near Nathan's Landing, in the county of De Kalb
 De Kalb :
 At the house of Robert S. Carter, in Cherokee county : Cherokee
 At Scott's Mills, in the county of De Kalb : De Kalb
 At the gin house of Thomas G. in the county of Henry : Henry
 Henry :
 At Pleasant Hill, in the county of Dale : Dale
 At the house of Watson W. Parker, and also one at the house of Bennett Boyt, in the county of Covington : Covington
 At the house of Albert Yates, and also at the house of Benja- Tallapoosa
 min Cogburn, in the county of Tallapoosa :
 At the house of John Collins, and John R. Robertson, in St. St. Clair
 Clair county :

Fayette	At the house of James W. Oliver, and one at Green M. Richard's mills, in Fayette county :
Benton	At Captain Riche's muster ground, on Green's Ferry Road in the county of Benton :
Walker	At the house of John W. C. Jones, in the county of Walker :
Barbour	At the Academy, in beat number nine, in the county of Barbour :
Perry	At John Scott's, in Perry county :
Marshall	At Beard's Bluff, in the county of Marshall :
Precincts abolished.	Sec. 2. <i>And be it further enacted</i> , That Election Precinct heretofore established at the following places, be, and the same are hereby abolished, to wit :
Morgan	At Maury's store, in the county of Morgan :
Benton	At Cane Creek, in the county of Benton :
Sumter	At Wooley's in the county of Sumter :
Montgomery	At J. B. Bradley's, in the county of Montgomery :
Russell	At Wood's precinct, in the county of Russell :
Franklin	At James Finley's, and at Pleasant Taylor's, in the county of Franklin :
Butler	At Sims' store, and at the house of Mrs. Elizabeth Cook, in the county of Butler :
Cherokee	At Smith's Cross Roads, in the county of Cherokee :
St. Clair	At John Bolton's, and at Watson's, in the county of St. Clair :
Monroe	At Cook's old store, in the county of Monroe :
Jefferson	At the house of Mrs. Erwin, in the county of Jefferson :
Talladega	At John Harmon's, in the county of Talladega :
Pickens	At the house of Thomas West, in the county of Pickens :
Marshall	At the house of Joseph M. Carter, in the county of Marshall :
De Kalb	At the house of Samuel Laswell, and at the house of Jacob Beener, in the county of De Kalb :
Cherokee	At Turkeytown, in the county of Cherokee :
De Kalb	At the house of G. A. Cox, in the county of De Kalb :
Henry	At the house of Andrew Gamble, in the county of Henry :
Dale	At the house of John Merrick, in the county of Dale :
Pickens	At the house of William Kilpatrick, in the county of Pickens :
Covington	At Donelly's Bridge, in the county of Covington :
Tallapoosa	At Boley's, and at Gallaway's, in the county of Tallapoosa :
Fayette	At the house of David Berry, and at the house of James Oliver, in the county of Fayette :
Benton	At the house of Mark Phillips, in the county of Benton :
Walker	At the house of James Davis, and at the house of Mr. Gaines; also, at the house of Mr. Key, in Walker county :
Barbour	At Fullersville, in the county of Barbour :
Perry	At Barron's, in Perry county :
Wilcox	At the house of John Arledge, in the county of Wilcox.

Sec. 3. *And be it further enacted*, That an Election Precinct, be, and is hereby established at the house of Person Davis, in the county of Talladega : Precincts established. Talladega

Also, one at the house of Robert Henry, in the county of Pickens : Pickens

Also, one at the house of Mark Watson, in the county of Fayette : Fayette

And one at the house of Thomas G. Winn, in Coffee county : Coffee

One at Turnipseed's store, in the county of Benton : Benton

And one at the house of Henry Walker, in the county of Talladega : Talladega

Sec. 4. *And be it further enacted*, That the Precincts heretofore established at the house of Jesse Foreman, in Talladega county : Precincts abolished. Talladega

The one at Snow's Tanyard, in the county of Benton : Benton

The one at John Keener's, in the county of De Kalb : De Kalb

The one at the house of David Burton, in the county of Fayette : Fayette

The one at the house of John Harmon, in the county of Talladega : Talladega
Talladega, be, and the same are hereby abolished.

Approved, 27th January, 1846.

[No. 31.]

AN ACT

Concerning Non-Suits in Legal Proceedings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases where it may be necessary for a plaintiff in any proceeding at law, to enter a non-suit, by reason of the determination of the Court before which such proceeding may be pending, upon a matter of law, it shall be lawful for such plaintiff to move the Supreme Court at the ensuing term, to set aside such non-suit, when the Supreme Court shall consider the points of law arising upon said non-suit, and set aside, or confirm the same, as the law shall be found. Plaintiff may move Supreme Court to set aside non-suit.

Sec. 2. *And be it further enacted*, That if the record should not of itself disclose the point upon which such non-suit may depend, such point, or points of law, shall be exhibited by bill of exceptions ; and the party may have his writ of error, as in other cases, in which writs of error are allowed by law. May have writ of error.

Sec. 3. *And be it further enacted*, That this act shall be confined to the determinations of the Circuit and County Courts. Act limited.

Approved, 4th February, 1846.

[No. 32.]

AN ACT

To regulate the Sale of Lands for Taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all sales of lands for taxes, it shall only be necessary for the officer selling, to advertise and sell the same by its numbers as known in the plats of survey.

How adver-
tised and sold

Provision for
failing to as-
sess, &c.

Liability for
refusal to give
in tax.

Sec. 2. *And be it further enacted,* That in all cases of a failure to assess any land, or other property, in the time now prescribed by law, such land, or other property, may be assessed in any time in one year thereafter; and for the failure, neglect, or refusal of the owner of any of taxable property, to give the same in for assessment, he shall forfeit and pay double taxes thereon; any laws, or parts of laws to the contrary notwithstanding.

Approved, 4th February, 1846.

[No. 33.]

AN ACT

Relating to Judicial Proceedings.

Plea of puis
darrein con-
tinuance not
to be held a
waiver, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter where a plea *puis darrein continuance* shall be pleaded, it shall not be held to be a waiver of other pleas to the merits before pleaded; but if the plaintiff shall fail upon such other pleas and succeed upon the plea *puis darrein continuance*, he shall be taxed with such cost as had accrued at the time said last plea was interposed.

Reply to
pleas.

Sec. 2. *And be it further enacted,* That hereafter the plaintiff shall have a right to reply as many several matters to any plea of the defendant of set off, or plea with notice of set off, or plea of infancy, or the statute of limitation, as the circumstances of the case may seem to require: *Provided,* the several matters replied are pertinent to, or in avoidance of the matter of the plea.

Court may
decide ques-
tions of law.

Sec. 3. *And be it further enacted,* That when the Judge or Chancellor holding a court, shall be of opinion that it will facilitate the business, or diminish expenses of litigation, he may take up and decide any question of law arising upon demurrer in any cause before the same is ready for final trial upon the evidence therein.

Jurisdiction
of S. Court.

Sec. 4. *And be it further enacted,* That hereafter it shall be the duty of the Supreme Court to take jurisdiction of, and decide upon cases which come up from the courts of Chancery on final decrees rendered *pro forma*, or from the courts of law on cases agreed.

Approved, 3d February, 1846.

[No. 34.]

AN ACT

To allow discontinuances as to joint defendants not served, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, in case if any writ, or other process, issued, or hereafter to be issued, against two or more, for any joint or joint and several causes of action, whatsoever, if only some of the defendants be served, the plaintiff may discontinue as to those not served, and declare against those served, and living, in the same manner as now provided by law in cases of joint notes, covenants, bonds, and judgments.

Discontinu-
ances allow-
ed as to joint
defendants
not sued.

Sec. 2. *And be it further enacted,* That hereafter, whenever there shall be two or more executors, or administrators, on any estate, and one or more of them shall remove beyond the limits of this State, so as to be beyond the reach of the process of the courts of this State, it shall be lawful to sue such of said executors or administrators, as remain within the State, and shall have the same remedies against them as if the whole were sued.

To executors,
&c.

Approved, 4th February, 1846.

[No. 35.]

AN ACT

To provide for the acknowledgment, proof and registration of Powers of Attorney, and of Deeds made in pursuance thereof, in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any power of attorney for the conveyance or the selling and conveyance of any lands, lying within this State, may have been heretofore or shall be hereafter executed, by any person or persons residing in any of the United States, other than this State, or in any of the Territories of the United States, or in the District of Columbia, and shall be personally acknowledged by the person or persons executing the same, or proved by a subscribing witness thereto, in the manner now prescribed by the statutes of this State for the acknowledgment and proof of deeds, or conveyance of real estate, before some one of the Judges of Supreme jurisdiction, or before some one of the Judges of the Superior Courts of law, or Circuit Courts of law of superior jurisdiction within said State, Territory or District, and an attestature of such acknowledgment or probate, shall be indorsed or affixed to said power of attorney by the said Judge, and a certificate of the Governor of the said State or Territory, or when the said power of attorney is made in the District of Columbia, a certificate of the Secretary of State of the United States, shall be indorsed on or affixed to said power of attorney, that

Powers of at-
torney when
recorded,
shall be valid
to convey ti-
tle to lands,
&c.

the Judge before whom said acknowledgment or probate was taken, was at the time of taking the same, one of the Judges of the courts of supreme jurisdiction, or one of the Judges of the superior court of law, or Circuit Courts of law of superior jurisdiction, within said State, or Territory, or District of Columbia, or [when such power of attorney shall be so acknowledged or proved before any notary public or commissioner appointed by the Governor of this State, for taking the testimony of witnesses in any of the other States of the United States, or in the District of Columbia, and certified by him as by law required, such power of attorney with the certificates thereto annexed, shall be admitted to record in the office of the clerk of the County Court of the county where such lands may lie, and when recorded shall be valid in law to empower to convey, or sell and convey all the estate and title which such person or persons may or shall have in any such lands thereby authorized to be conveyed or sold and conveyed, and shall be received in evidence in any court of law or equity within this State without further proof.

Provisions to
apply to feme
coverts.

Sec. 2. *And be it further enacted*, That when any feme covert party to such power of attorney, shall acknowledge the same as required by the statutes of this State, on a private examination before any such judge, notary public, or commissioner, as is provided in the preceding section of this act, and a certificate of such examination shall be annexed as aforesaid, such acknowledgment and examination shall also be admitted to record in the said office of the said clerk, together with the said power of attorney; and the instrument so recorded shall be valid in law to convey or empower to sell and convey all the estate or rights of dower, which such feme covert might have in such lands thereby authorized to be conveyed, and shall be received in evidence in any court of law or equity within this State without further proof.

Powers of at-
torney ac-
knowledged
beyond limits
of U. States.

Sec. 3. *And be it further enacted*, That whenever any power of attorney for the conveyance of lands within this State, shall be acknowledged or proved in parts beyond the limits of the United States, before any ambassador, public minister, or consul of the United States, and a certificate of such ambassador, public minister or consul shall be thereunto annexed, under his official seal, declaring such probate or acknowledgment, or when any feme covert party to such power of attorney, shall be privately examined before such ambassador, public minister or consul, and a certificate of such examination shall be annexed as aforesaid, such probate, acknowledgment and examination shall be admitted to record in the office of the clerk of the County Court of the county in which the lands thereby authorized to be conveyed may be situated, together with the said power of attorney; and the instrument so recorded shall be valid in law, to empower to convey all the estate, title and right of dower which the parties

hereto may or shall have in the lands thereby authorized to be conveyed, and shall be received in evidence in any court of law or equity within this State without further proof.

Sec. 4. *And be it further enacted*, That when any deed or conveyance of lands shall be executed by any attorney in fact, under the foregoing provisions of this act, and shall be acknowledged by such attorney, or proved in the manner, and before the officers now provided by law for the proof and acknowledgment of such deeds executed in person, such deed or conveyance shall be admitted to record in the office of the clerk of the County Court of the county where the lands are situated, and shall be received in evidence in any court of law or equity within this State without further proof: *Provided*, that nothing in this act contained shall be construed to relate to, or embrace the execution or proof of deeds in trust or mortgages.

Deed of conveyance when recorded shall be evidence in any Court, &c.

Proviso.

Approved, 19th January, 1846.

[No. 36.]

AN ACT

To carry into effect the provisions of An Act, entitled An Act to carry into effect in the States of Alabama and Mississippi the existing compacts with those States, with regard to the Five Per Cent. Fund, and the School reservations, passed by the Congress of the United States, Approved, the twenty-sixth of February, one thousand eight hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of this State, shall within three months after the passage of this act, appoint one or more suitable and competent persons to select the lands authorized and designated in the second section of the above recited act.

Governor may appoint persons to select lands.

Sec. 2. *And be it further enacted*, That the person or persons so appointed by the Governor as aforesaid, shall proceed at as early a day as may be, and without unnecessary delay, to make the selections as provided for in the second section of the above recited act; and from time to time, as the said selections shall be made, shall report to the Governor the said selections so made, for what township the same has been made, giving a full, clear and succinct description of the lands so selected.

Persons appointed to report to Governor.

Sec. 3. *And be it further enacted*, That the Governor of this State, so soon as a report shall have been made to him of a selection of lands for any township, as provided for in the second section of this act, shall report the same to the Commissioner of the General Land Office, and shall notify the register of the proper land office, of the land district, in which such selection may be made.

Governor to report to Commissioner of Gen. L. Office.

Duty of Governor in relation to School lands.

Sec. 4. *And be it further enacted*, That the Governor of this State shall also, so soon as any selection for any township shall have been reported to him as aforesaid, immediately issue a commission to three freeholders or householders of the township for which such selection may have been made, to call a township meeting, for the purpose of ascertaining whether the people of such township will accept or reject the lands so selected, in lieu of, and as a full equivalent for the school section, which by the sixth section of an act entitled "An Act to enable the people of Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with original States," was guaranteed to them, and the Governor of this State shall append to such commission a copy of the description of said lands so selected, which is hereinbefore required to be forwarded to him by the person or persons making the selection.

Notice to be given of meeting of citizens

Sec. 5. *And be it further enacted*, That the freeholders or householders, or any two of them, shall as soon as they receive said commission, call a township meeting, giving at least fifteen days notice, by advertisement at at least three of the most public places in the township, of the time and place of such meeting; and they shall also append to such advertisement, the description of the lands selected for said township, which is appended to their commission, and they shall also post up in some conspicuous place, at the place, and on the day of such township meeting, the said description of lands so selected.

Election, how conducted.

Sec. 6. *And be it further enacted*, That on the day, and at the place so advertised, the said three freeholders or householders, or any two of them, shall proceed to open a poll for the acceptance or rejection of said land so selected, first taking an oath, before some person authorized to administer the same, faithfully to conduct said election, and due return to make of the same to the Governor as hereinafter provided for; the polls shall be opened at said election by or before the hour of twelve o'clock, A. M. and shall remain open until four o'clock, P. M. on the day of such election.

Result of election to be certified to Governor.

Sec. 7. *And be it further enacted*, That all persons being within said township, qualified to vote for members of the General Assembly shall be entitled to vote at said election; and the freeholders or householders holding said election, shall ask each voter whether he accepts or rejects the lands so selected, and shall write opposite his name his answer; and if it shall appear that a majority of all those voting at said township election have voted to accept said lands, then the said freeholders or householders, conducting said election shall certify under their hands and seals that fact to the Governor

within twenty days after said election ; and if a majority of all those voting at said election, have voted to reject said lands, then the persons holding said election as aforesaid, shall certify that fact to the Governor within twenty days after said election.

Sec. 8. *And be it further enacted*, That if the people of any township shall, as aforesaid, elect to accept the said lands so selected for them, and the same shall, as aforesaid, be certified to the Governor, it shall be the duty of the Governor immediately to report that fact to the Commissioner of the General Land Office properly certified ; and if the people of any township as aforesaid, shall reject said lands so selected for them, it shall be the duty of the Governor to notify the Commissioners of the General Land Office, and also the register of the proper land office, in the land district, in which such selections were made, of that fact ; and he shall also notify the person or persons making such selections, that they have been rejected, and instruct and direct him or them to proceed and make other selections as aforesaid, for said township ; and when such other selections shall have been made, they shall as aforesaid, be submitted to the people of said township for acceptance or rejection, and such acceptance or rejection certified as aforesaid.

Duty of Gov.
ernor, if ac-
cepted, or re-
jected.

Sec. 9. *And be it further enacted*, That whenever any lands shall have been selected, and accepted by the people of any township as aforesaid, the title to said lands shall vest in the State of Alabama, subject to the same disposition and uses as were sections numbered sixteen in the above recited act, to enable the people of the Alabama Territory to form a Constitution and State Government, &c.

Title of land
to vest in
State.

Sec. 10. *And be it further enacted*, That the person or persons appointed by the Governor under the first section of this act to make said selection of lands as hereinbefore provided for, shall receive for their services two dollars per day, for every day they may be engaged in making said selections, to be paid out of any moneys in the treasury not otherwise appropriated.

Compensa-
tion.

Approved, 27th January, 1846.

[No. 37.]

AN ACT

To repeal in part An Act regulating Judicial Proceedings in Chancery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, registers in the Courts of Chancery in this State, heretofore appointed by any Chancellor holding office by appointment of the Governor, in consequence of a vacancy therein, or who may hereafter be appointed by any Chancellor holding

Appointment
of Registers
in certain ca-
ses.

a *pro tem* appointment, shall be entitled to hold their offices as registers so long only, as such Chancellor shall himself remain in office under such executive appointment; subject however, to removal, in the manner and for the reasons now prescribed by law.

Approved, 13th January, 1846.

[No. 38.]

AN ACT

To require security for Costs in suits commenced by Corporations.

Security for
costs to be
given by in-
corporations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That no action at law or suit in Chancery shall hereafter be commenced in the name or at the instance of any body corporate, unless such incorporated body shall first give good and sufficient security with the clerk of the Court, or register of the Chancery Court in which such action or suit may be commenced, for the payment of the costs which may be awarded to the defendant in any such action or suit, and also of the fees that may become due to the officers of the Court; and after such security shall be so given, if the costs and fees are not paid at the time the same may become due, it shall be the duty of the Court in which such cause was commenced, on motion, to enter up judgment against such security and award execution accordingly.

Court may
dismiss suit
if security is
not given.

Sec. 2. *And be it further enacted,* That if any action at law or suit in Chancery shall be commenced by any body corporate, without first giving security for costs and fees as aforesaid, such action or suit shall, on motion of the defendant, be dismissed by the Court in which the same may be depending, without notice to the plaintiff, and such Court shall not allow such body corporate to give security as aforesaid at any time after the commencement of such action or suit; and if any clerk, register, attorney, or solicitor shall issue, or cause to be issued, any process contrary to the provisions of this act, he shall be liable to the defendant for all costs he may sustain by the commencement and prosecution of any such action or suit, without first taking the security aforesaid, to be recovered, on motion, before any Court having jurisdiction thereof.

Liabilities of
Clerks, Regis-
ters, &c.

Actions here-
tofore com-
menced may
be dismissed
if security is
not given.

Sec. 3. *And be it further enacted,* That every action at law or suit in Chancery, heretofore commenced in the name of any body corporate, shall be dismissed, if security be not given with the clerk or register of the Court, in which such action or suit may be depending, within thirty days after notice shall have been given to the plaintiff, or his or their attorney, by the defendant or his attorney, that such is required for the payment of such costs and fees as may accrue, after the service of said notice; and after such security shall be so given, if such fees and costs are not paid at the time the same may become due, it shall be lawful

for the Court in which said action or suit may be depending, to enter up judgment against such security, on motion, and award execution accordingly : *Provided always*, that none of the provisions of this act, shall be construed to extend to the Bank of the State of Alabama, or any of its Branches, to the Bank of Mobile, or to the Planters and Merchants' Bank.

Court may
award judg-
ment.
Proviso.

Sec. 4. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, 4th February, 1846.

[No. 39.]

AN ACT

To require of County Clerks the performance of certain duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall hereafter be the duty of the several clerks of the County Courts in this State to return the bonds of the several tax collectors immediately after the same shall have been executed and recorded, to the office of the Comptroller; and if any clerk of any County Court in this State shall fail to make such return as aforesaid, within thirty days after said bond shall have been executed and recorded, he shall forfeit and pay a penalty of five hundred dollars, to be recovered against such clerk or his securities, on motion by the Comptroller in the Circuit Court of the county in which the Seat of Government is located : *Provided*, that said clerk shall be authorized to return said bond by mail; and the certificate of the post master that such bond was deposited by said clerk in the post office, to be forwarded by due course of mail, shall be evidence of that fact.

Clerks shall
return Tax
Collector's
bonds.

Liability for
failure.

Proviso.

Evidence.

Approved, 5th February, 1846.

[No. 40.]

AN ACT

To authorize the Chancellor of the Middle Division to perform certain duties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be lawful, and it is hereby made the duty of the Chancellor of the Middle Division in said State, to appoint a register and master in Chancery for the twenty-fifth district, composed of the counties of Walker and Jefferson, which said master and register in Chancery, shall not be required to give a bond for a larger amount than ten, nor less than two thousand dollars; any law or usage to the contrary notwithstanding.

May appoint
Register.

Approved, 29th January, 1846.

[No. 41.]

AN ACT

To amend the laws relative to Escheated Property.

Property to
descend to
nearest kin in
U. States

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That whenever any person may hereafter die intestate entitled to lands of inheritance in the State of Alabama, and the next of kin of such deceased person are, or shall be, an alien or aliens, the estate held by such deceased person in said lands, shall descend to the nearest of kin of such deceased person, who shall be a citizen of the United States.

Sec. 2. *And be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 5th February, 1846.

[No. 42.]

AN ACT

To compel Incorporated Companies to keep their roads and water courses in the repair required by their charters.

Incorporated
Companies to
keep roads,
bridges, &c.
in order.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if the president and directors of any incorporated company, or any person or persons authorized to charge toll on any turnpike or macadamized road, or any water course, shall fail or neglect to keep their roads, together with the bridges and causeys thereon, or the water courses on which they may be authorized to charge toll, clear, in good repair, and in the condition required by their charters, or by the statute authorizing them to charge toll, or shall suffer them to remain uncleared and not in the condition required by their charter or the statute under which they may act, as aforesaid, for the space of ten days at any one time : *Provided,* he, or they, be not hindered by high water, bad weather, or other good and sufficient causes, to be adjudged by the Court, such president and directors, or other person or persons aforesaid, and each and every one of them shall be liable to indictment ; and on being found guilty, shall be fined in any sum the jury trying the same may assess ; and on the trial of any such cause, proof that any such president and directors, or other person or persons, claimed the right and charged, or attempted to charge toll, on any such road or water course, shall be taken as *prima facie* evidence that there is a charter for such road, or water course, and that such president and directors, or other person or persons, are the individuals entitled to claim and exercise the privileges conferred by their charter, and with the additional proof of the bad condition of the road, or water course, the charge shall be considered as

Proviso.

May be in-
dicted and
fined.

Evidence of
charter.

established, and the burthen of proof thrown on such president and directors, or other person or persons, so authorized to charge toll as aforesaid.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 4th February, 1846.

[No. 43.]

AN ACT

To alter the times of holding the Circuit Courts of the Sixth Judicial Circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Circuit Courts in the Sixth Judicial Circuit, shall commence and be holden as follows, for the Spring Term, eighteen hundred and forty-six.

In the county of Monroe, on the second Monday in March, Monroe and continue two weeks.

In the county of Clarke, on the fourth Monday in March, Clarke and continue two weeks.

In the county of Washington, on the second Monday after Washington the fourth Monday in March, and continue one week.

In the county of Baldwin, on the third Monday after the Baldwin fourth Monday in March, and continue one week.

In the county of Mobile, on the fourth Monday after the Mobile fourth Monday in March, and continue until the business is disposed of.

And after the Spring Term, eighteen hundred and forty-six, the said Courts shall be commenced and holden, as follows:

The Fall Term shall commence in the county of Washington, on the second Monday of October, in each year, and continue one week. Washington

In the county of Clarke, on the third Monday of October, in each year, and continue two weeks. Clarke

In the county of Monroe, on the first Monday after the Monroe fourth Monday of October, in each year, and continue two weeks.

In the county of Baldwin, on the third Monday after the Baldwin fourth Monday in October, of each year, and continue one week.

In the county of Mobile, on the fourth Monday after the Mobile fourth Monday of October, in each year, and continue until the business is disposed of.

The Spring Term shall commence in the county of Monroe, Monroe

on the third Monday in March, in each year, and continue two weeks.

Clarke

In the county of Clarke, on the first Monday after the fourth Monday in March, of each year, and continue one week.

Washington

In the county of Washington, on the second Monday after the fourth Monday in March, in each year, and continue one week.

Baldwin

In the county of Baldwin, on the third Monday after the fourth Monday in March, in each year, and continue one week.

Mobile

In the county of Mobile, on the fourth Monday after the fourth Monday in March, in each year, and continue until the business is disposed of.

Process, &c.

Sec. 2. *And be it further enacted*, That all writs, executions, subpœnas, and process of every kind, made returnable to any of the said Circuit Courts, at the terms now prescribed by law, shall be, and the same are hereby made returnable to said Courts, at the time prescribed by this act.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 44.]

AN ACT

To change the time of holding the several Circuit Courts of the Fifth Judicial Circuit. •

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the terms of the Circuit Courts of the several counties, composing the Fifth Judicial Circuit, shall be commenced and holden as follows, to wit :

Marshall

In the county of Marshall, on the the first Monday of March and September, in each year, and continue one week.

Madison

In the county of Madison, on the second Monday of March and September, in each year, and continue two weeks.

Jackson

In the county of Jackson, on the fourth Monday of March and September, in each year, and continue one week.

De Kalb

In the county of De Kalb, on the first Monday after the fourth Monday in March and September, in each year, and continue two weeks.

Cherokee

In the county of Cherokee, on the third Monday after the fourth Monday in March and September, in each year, and continue two weeks.

Benton

In the county of Benton, on the fifth Monday after the fourth Monday in March and September, in each year, and continue until all business in said Court shall be disposed of.

Sec. 2. *And be it further enacted*, That all process made returnable to the terms of the said Courts, next after the passage of this act, at the times now prescribed by law, shall be deemed and held returnable at the times of holding said Courts, as prescribed by this act. Process, &c.

Approved, 29th January, 1846.

[No. 45.]

AN ACT

Supplemental to An Act entitled "An Act to change the time of holding the several Circuit Courts of the Fifth Judicial Circuit," approved January twenty ninth, eighteen hundred and forty six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Circuit Court of the county of Madison, shall be hold- Madison
en on the last Monday in February and August, in each year, and may continue in session two weeks.

Sec. 2. *And be it further enacted*, That all suits and other process, now, or may hereafter be made returnable at the terms specified in the foregoing section, except executions, which shall be returned at least three days previous to the terms heretofore established. Process, &c.

Sec. 3. *And be it further enacted*, That the Circuit Courts of Marshall county, shall be holden, as heretofore, on the third Marshall
Monday in March and September, in each year.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 46.]

AN ACT

To change the time of holding the Courts of the Ninth Judicial Circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Circuit Court of Talladega county, shall hereafter commence on the third Monday in March and Sep- Talladega
tember, in each year, and continue three weeks.

The Circuit Court in the county of Tallapoosa, shall commence the third Monday after the third Monday in March and Tallapoosa
September, in each year, and continue one week.

In the county of Macon, on the fourth Monday after the Macon
the third Monday in March and September, and continue two weeks:

Russell

In the county of Russell, on the sixth Monday after the third Monday in March and September, and continue two weeks :

Chambers

In the county of Chambers, the eighth Monday after the third Monday in March and September, and continue two weeks :

Randolph

And in the county of Randolph, the tenth Monday after the third Monday in March and September, and continue until the business is completed.

Process, &c.

Sec. 2. *And be it further enacted*, That all writs and process, now returnable to the said Courts, or hereafter to be issued, returnable to said Courts, as now holden, shall be deemed returnable to said Courts, as the same are fixed by this act.

Approved, 3d February, 1846.

[No. 47.]

AN ACT

To change the time of holding the Winter Term of the Supreme Court.

Time of winter term changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this, the winter term of the Supreme Court of Alabama, shall be held on the second Monday of December, in each and every year, instead of the time now appointed by law, for holding said term; and that all process shall be returnable at the time appointed by this act, instead of the first Monday of January, as now prescribed by law.

Approved, 4th February, 1846.

[No. 48.]

AN ACT

To change time of holding the County Court of Limestone county.

Time changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the June term of the County Court of Limestone county, shall be held annually, on the second Monday in said month, instead of the first, as heretofore.

Sec. 2. *And be it further enacted*, That all process made returnable to the next term, of said Court, shall be taken and construed as if returnable on the second Monday in said month.

Approved, 3d February, 1846.

[No. 49.]

AN ACT

To amend An Act for the relief of Purchasers of Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all cases when a sale has been made of a Sixteenth Section, or any part thereof, a majority of the voters of the township, in which such Sixteenth Section lies, voting in township meetings, upon due notice given, shall have full power, with the consent of the purchaser or purchasers, their heirs or assigns, or legal representatives, of said Sixteenth Section or part thereof, to rescind or cancel the contract of sale, as aforesaid; and a majority of the said voters shall have power furthermore to re-sell, rent, or lease the same, or to extend the time of payment to purchasers, as if no sale had ever been made: *Provided*, that no money shall be paid back to the purchaser or purchasers, whose contract shall be cancelled by virtue of this act. Sales may be rescinded.

Sec. 2. *And be it further enacted,* That the certificate of the school commissioners of any township, certifying that a majority of the voters of said township have consented to rescind the sale of its Sixteenth Section, verified by the certificate of the clerk of the County Court of the proper county, that the persons so certifying, are the school commissioners of such township, shall be sufficient authority to any of the Banks in this State, to restore the notes executed for the purchase money, to the purchaser or purchasers, of the Sixteenth Section, or parts thereof, in all cases where the sale has been rescinded under the provisions of this act. Banks may deliver notes to purchasers.

Approved, 4th February, 1846.

[No. 50.]

AN ACT

To change the time of holding the Circuit Court of Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Circuit Courts of Marengo county, shall hereafter be holden on the ninth Mondays after the fourth Mondays in March and September, in each and every year, and shall sit until the business of the term is disposed of. Time altered

Sec. 2. *And be it further enacted,* That all process, writs, and other things, which now are, or hereafter may be made, returnable into said Courts, at the terms thereof now by law appointed, and all suits, bonds, recognizances, actions and Process, &c.

other proceedings therein, be continued to, and be in the said Courts at the terms thereof to be holden as hereinbefore appointed, in the same condition and plight as they would have been in, at the terms of said Courts heretofore appointed by law.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 19th January, 1846.

[No. 51.]

AN ACT

To change the time of holding the Chancery Court of Lowndes County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the terms of the Chancery Court, in the twelfth district for the Southern Chancery Division, shall be held on the fourth Monday of May, instead of the time now prescribed by law: *Provided*, that all process, heretofore issued, or which may hereafter issue, returnable to the former terms of said Court, shall be returnable as in this act expressed.

Approved, 18th January, 1846.

[No. 52.]

AN ACT

To change the time of holding the Orphans' Court in Dale County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the Orphans' Courts in the county of Dale, be held on the Mondays of January, April, July and October, in each and every year only, and no more.

Sec. 2. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, so as relates to Dale county, be, and the same are hereby repealed.

Approved, 13th January, 1846.

[No. 53.]

AN ACT

Regulating the time of holding the Court of Commissioners of Roads and Revenue for the County of Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the officers composing the Commissioners' Court of the county of Pike,

shall hold the said Court, on the first Mondays of February, May, August and November, for all purposes now required by law, and shall continue in session until the business is completed.

Approved, 16th December, 1845.

[No. 54.]

AN ACT

To alter the time of holding the County Court of Sumter county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the February term, eighteen hundred and forty-six, of the County Court of Sumter county, that the regular terms of said Court shall be begun, and holden, on the third Mondays of each and every January and June, instead of the times now fixed by law. Time altered.

Approved, 2d February, 1846.

[No. 55.]

AN ACT

To require an Extra Term of the County Court of Madison county, to change the time of holding the same, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court of Madison county, be, and he is hereby required, to hold an extra term of the Court of said county, on the third Monday in January, eighteen hundred and forty-six, to try and dispose of all cases which stood for trial, at the term which should have been held on the third Monday in December, eighteen hundred and forty-five. Extra term to be held.

Sec. 2. *And be it further enacted,* That no new business shall be introduced at said extra term of said Court; nor shall cases, returnable to said December term, eighteen hundred and forty-five, be tried, but stand over to the next regular term, as if this act had not passed. No new business to be introduced.

Sec. 3. *And be it further enacted,* That it shall be the duty of the sheriff to summon jurors for said extra term, in the manner provided by law for a regular term of said Court. Jurors, how summoned.

Sec. 4. *And be it further enacted,* That hereafter, the County Court for said county of Madison, shall be holden on the first Mondays of June and December, in each year, instead of the third Mondays, as heretofore; and all process shall be made returnable accordingly. Time changed.

Approved, December 29th, 1845.

[No. 56.]

AN ACT

To change the time of holding the County Court of Macon county.

Time changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the County Court of Macon county, shall be held on the third Mondays in July and January, in each year, and all writs, subpoenas, executions, and all manner of process, returnable to the regular term of said Court, shall be considered returnable to the third Monday in July next; any law to the contrary notwithstanding.

Approved, 2d February, 1846.

[No. 57.]

AN ACT

To extend the Sessions of the February Term of the County Court of Perry county.

Time extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the February Term of the County Court of Perry county, may continue in session twelve judicial days, instead of six, as now prescribed by law.

Approved, 2d January, 1846.

[No. 58.]

AN ACT

To change the time of holding the Chancery Court for the Thirteenth Chancery District of the State of Alabama, and Southern Chancery Division of said State.

Time altered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Chancery Court for the Thirteenth District of the State, and Southern Chancery Division of said State, shall be holden on the fourth Monday of August, in each and every year, instead of the time as now provided for by law.

Process.

Sec. 2. *And be it further enacted*, That all writs, precepts, and process of whatever kind or nature now issued, or that may hereafter be issued, returnable to the term of said Court, to be holden as already provided for by law, be, and the same are hereby made returnable to the term of said Court, to be holden as provided for in this act.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 59.]

AN ACT

To change the time of holding the County Court of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the spring term of the County Court of Montgomery, shall commence on the second Monday in March, and the fall term of said Court on the first Monday after the fourth Monday in September, in each and every year; and may continue in session until the business of the session shall have been disposed of. Time altered.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 27th January, 1846.

[No. 60.]

AN ACT

To change the time of holding the County Court of Morgan county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the time of holding the County Court of Morgan county, be, and the same is hereby changed, and the terms of the said Court shall be hereafter begun on the second Mondays in February and July, of each year, and that all process issued, and made returnable to said Court, at the time heretofore prescribed, be, and the same are hereby made returnable to the terms of said Court, as herein appointed; and that all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Time changed.

Approved, 16th December, 1845.

[No. 61.]

AN ACT

To change the time of holding the Chancery Courts in the county of Greene, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Chancery Courts of the Twenty-First District, of the Middle Chancery Division, shall be held in and for the county of Greene, on the fourth Monday of June, and the second Monday of December, in each and every year; the term to be held on the fourth Monday of June, to continue in session, if need be, six judicial days; and that upon the second Monday of December, until all the business in said Court is disposed of. Time changed.

Process, &c.

Sec. 2. *And be it further enacted*, That all process now issued, or hereafter issued, returnable to the next term of the said Chancery Court, shall stand and be returnable to the next June term, as authorized by this act; and it shall be the duty of the Chancellor, at the terms of the Chancery Court, held in said County, to hear and determine motions for dissolution of injunctions, upon the coming in of answers, whether the case be regularly reached or not.

Approved, 2d February, 1846.

[No. 62.]

AN ACT

To compensate Jurors in Justices Courts in the county of Henry.

Pay of jurors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that jurors serving at justices courts in Henry county, shall receive for such service fifty cents per day, instead of the pay now allowed by law.

Sec. 2. *And be it further enacted*, That the unsuccessful party in suit shall pay the jury; any law or usage to the contrary notwithstanding.

Approved, 31st January, 1846.

[No. 63.]

AN ACT

To establish Jury Trials in Jusices Courts in the county of Dallas.

Jury trials established in justices courts in Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of April, one thousand eight hundred and forty-six, the provisions of an act to establish jury trials in justices courts in certain counties therein named, approved the thirty-first of December, one thousand eight hundred and forty-one, be, and the same are hereby extended to the county of Dallas.

Approved, 2d February, 1846.

[No. 64.]

AN ACT

To change the time of holding the Spring Term of the County Court of Tuscaloosa county.

Time changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the May term of the County Court of Tuscaloosa county, shall be holden on the fourth Monday in May, in each and every year, and may continue in session as now provided by law.

Sec. 2. *And be it further enacted*, That all writs and other process, that now are, or may hereafter be made returnable on the second Monday in May, are hereby made returnable at the time specified in the foregoing section of this act. Process.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 65.]

AN ACT

To regulate the fees of the Register in Chancery in the Twelfth District of the Southern Division.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the register in Chancery in the twelfth district, in the Southern Chancery division, be, and he is hereby authorized to charge and collect the same fees, for all sales made by him, by virtue of his office, that are allowed to sheriffs and coroners for the same services, according to existing laws. Register's fees regulated.

Approved, February 4th, 1846.

[No. 66.]

AN ACT

To establish trials by Jury, in Justices Courts, in the county of Perry, and to regulate the proceedings thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, if any person shall be aggrieved by the judgment of any justice of the peace, in the county of Perry, he may, within five days thereafter, appeal to a jury, to be summoned and impaneled as hereinafter provided; first giving bond in at least double the amount of such judgment, with good and sufficient security, to be approved by such justice, payable to the opposite party, and conditioned to prosecute such appeal to effect; and in case he be cast therein, to pay and satisfy the condemnation of the justices court, which may be rendered on the verdict of the said jury; and in the event that the party so appealing shall be unsuccessful on such trial by jury, it shall be the duty of the justice presiding at such trial, to enter up judgment against him and his security or securities, in his said appeal bond, for the amount assessed by the jury, and all the costs. Persons aggrieved may appeal to jury on giving bond.

Sec. 2. *And be it further enacted*, That the justice by whom any such cause was originally tried, or his successor in office, or any other justice of the peace in the same beat, shall Subpoenas, how issued.

issue subpoenas for all witnesses that the parties in such appeals may require.

Trials, how
conducted.

Sec. 3. *And be it further enacted*, That all such appeals shall be tried before some justice in the beat in which the suit was first brought, by seven jurors, to be drawn and impaneled as hereinafter directed, and not otherwise; whose verdict shall be final and conclusive between the parties, unless the case be carried by certiorari, or appeal, to the Circuit or County Court, as now provided by law; and the said jury shall be sworn, and the trial conducted, and the evidence admitted, in the same manner as in the Circuit and County Courts of this State: *Provided*, that neither party shall be entitled to challenge peremptorily more than two of any such jury.

Jurors, how
provided.

How drawn
and impan-
neled.

How sum-
moned.

Sec. 4. *And be it further enacted*, That jurors for the trial of appeals in justices courts, shall be provided as follows, to wit: the justice or justices of each beat in said county, shall in the presence of three respectable householders or freeholders of said county, within three months after the passage of this act, make out a list of all persons within their respective beats, who may be liable to serve as jurors in the Circuit and County Courts of said county, and shall write the names of the persons so liable on separate pieces of paper, which shall be deposited in a box, in an apartment marked number one; and whenever an appeal is taken from the judgment of a justice, as hereinbefore described, it shall be the duty of such justice, publicly, and in the presence of at least two respectable householders of said county, to draw from said box, by some person not interested in said suit, the names of seven persons so before deposited, which names so drawn, shall be entered in a book by the said justice, and shall afterwards be deposited in another apartment of said box, marked number two; and after all the names so deposited as aforesaid, are drawn from number one, they shall in like manner be drawn from number two, and so on alternately; and the said justice shall issue a *venire facias* for the said seven jurors so drawn as aforesaid, returnable in not less than ten, and not more than twenty days from the date thereof; and the constable receiving the said *venire facias*, shall at least five days before the return day thereof, summon the said jurors either personally, or by leaving a written notice, at their usual places of abode, to attend accordingly; and if any juror so summoned as aforesaid, shall fail or refuse to appear as required by said *venire facias*, he shall, unless he show a good and sufficient excuse, on oath, before the justice presiding at the trial, within five days thereafter, be fined by such justice in any sum not exceeding three dollars; and in all cases of a deficiency of jurors, the jury may be completed from the by-standers.

Sec. 5. *And be it further enacted*, That each juror either summoned, or serving on the trial of any cause, shall be entitled

to receive from the party in whose favor the verdict may be given, before the judgment is entered up, a fee of fifty cents, which shall afterwards be taxed in the bill of costs, and recovered from the unsuccessful party; and the following fees shall be allowed for the services hereinafter stated, to wit: to the justice for drawing the jury, ten cents; issuing his *venire facias*, twenty-five cents; and for presiding at the trial by jury, fifty cents; and to the constable for summoning each juror, ten cents; and attending at the trial, fifty cents; and the justice for issuing subpoenas for witnesses, the constable for serving them, and the witnesses for attending, shall be entitled to the same fees as now provided by law in other cases.

Pay of jurors.

Fees of justice and constable.

Sec. 6. *And be it further enacted*, That nothing in this act contained shall be so construed, as to prevent an appeal by either party, from any judgment rendered on any such trial by jury, to the Circuit or County Court, under the same rules and regulations as now provided by law.

Parties may appeal, &c.

Sec. 7. *And be it further enacted*, That this act shall only operate and be in force, in that portion of the said county of Perry, which lies on the east side of the Cahawba river.

Where act to be in force.

Sec. 8. *And be it further enacted*, That this act shall not be construed to extend to cases of forcible entry and detainer, forcible detainer, or trials of the right of property before justices of the peace.

Explanatory.

Approved, 3d February, 1846.

[No. 67.]

AN ACT *

To incorporate the Girard Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Abercrombie, Anderson Abercrombie, William Davis, Samuel Ingersoll, John Goodwin, Walter B. Harris, James Drummond, William Barrett, Robert S. Hardaway, Benjamin Baker, Henry Morfill, John Allen, William Luther, Thomas Kemp, Bryant S. Mangham, Dr. Floyd, and Nimrod Long, be, and they are hereby appointed Commissioners, any five of whom shall be competent to act, and do all business necessary to be done by virtue of this act of incorporation; and under the direction of a majority of whom, subscriptions may be received to the capital stock of the Girard Rail Road Company; and they shall cause books to be opened in the towns of Girard and Montgomery, and such other places as they may think proper, for the purpose of receiving subscriptions from time to time to the capital of said company, until the sum of one hundred thousand dollars shall be subscribed; and shall give such public notice, not less than thirty

Names of Commissioners.

To open books for subscription of stock.

days, of the time and place of the opening said books as they may think proper.

Capital stock. Sec. 2. *And be it further enacted,* That the capital stock of said Rail Road shall not exceed two millions of dollars, in shares of one hundred dollars each; and as soon as one hundred thousand dollars shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of the Girard Rail Road Company; and by that name shall be capable in law of purchasing, holding, leasing, selling, and conveying, real, personal, and mixed property, so far as shall be necessary for the purposes hereinafter mentioned; and by said corporate name may sue and be sued, plead and impleaded, answer and be answered unto, defend and be defended in any court of law or equity in this State or elsewhere; to have and use a common seal, to alter and change the same at pleasure, to pass such by-laws, rules and ordinances for the good government of said corporation, as to them may seem proper, and generally to do and exercise all matters and things necessary to carry into full and complete effect, all the objects of this act: *Provided always,* that it shall not be lawful for the said corporation to use any of its capital for banking purposes, nor to emit for circulation any notes or bills, or make contracts for the payment of money, except under the seal of said corporation, and then alone for debts contracted by said corporation.

Name and style.

Powers of incorporation.

Proviso.

Instalments, how paid. Sec. 3. *And be it further enacted,* That the sums subscribed to said capital stock, shall be paid in such instalments, and at such times as may be deemed best by the President and Directors of said company: *Provided,* that no more than one third of the subscription be demanded in any one year, from the commencement of the work, nor any payment demanded, until at least sixty days public notice shall have been given of such demand by the President and Directors; and if any subscriber shall fail or neglect to pay any instalment of said subscription thus demanded, for the space of sixty days next after said subscription shall become due and payable, said President and Directors shall be authorized to sell said stock at auction, giving sixty days public notice of such sale, and said stock shall be deemed and considered in law as personal property.

Proviso.

Duty of Commissioners. Sec. 4. *And be it further enacted,* That as soon as one thousand shares shall have been subscribed, the Commissioners hereby appointed shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least thirty days notice thereof, and at such meeting, the said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them in value, shall elect five Directors by ballot, to manage the affairs of said company;

and the Directors thus chosen shall elect from among themselves, a President of said company, and may allow him such compensation for his services as they may think proper; and in said election, and on all other occasions, wherein a vote of stockholders of said company shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her: *Provided*, any stockholder may depute any other person to vote and act for him or her, as his or her proxy. The Commissioners aforesaid, or any three or more of them, shall be judges of said first election of Directors.

Officers of
Company.

Proviso.

Sec. 5. *And be it further enacted*, That the President and Directors of said company shall be chosen annually on the first Monday in March, at Girard, by the stockholders of said company, and if any vacancy shall occur, by death, resignation or refusal to act, of any President or Directors, before the year for which they were elected shall expire, a person or persons to fill such vacant place for the residue of the year, shall be chosen by said President and Directors, or a majority of them; and that the President and Directors shall hold and exercise their office until their successors are chosen and qualified; and all elections which are by this act or the laws of said company to be made on a certain day, or at a particular time, if not made on such day, or at such time, may be made in thirty days thereafter.

Election of
President and
Directors.

Sec. 6. *And be further enacted*, That the President and Directors of said company, before he shall act as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of said office to the best of his skill and judgment.

Officers to
take oath.

Sec. 7. *And be it further enacted*, That at the regular annual meeting of the stockholders of said company, it shall be the duty of said President and Directors in office for the preceeding year, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders; make and declare such dividends as they may deem proper, of the net profits arising from the resources of said company, after deducting the necessary current expenses, and they shall divide the same among the proprietors of the stock of said company in proportion to their respective shares.

Dividends,
how declared

Sec. 8. *And be it further enacted*, That the said President and Directors shall have the power to call meetings of the stockholders at any time, stating in the call the business intended to be done, and no other shall be transacted at such called meeting. A majority of the stockholders in value, either in person, or by proxy, shall be necessary to transact business; and at such called meeting, a majority of stockholders in value, shall have power to remove any President, or any of the Directors, and appoint others in their stead.

Meetings of
Company.

Officers, en-
gineers, &c.
how appoint-
and removed.

Sec. 9. *And be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants, whatsoever, as they may deem necessary for the transaction of the business of said company, and may remove any of them. at their pleasure; and a majority of them shall have power to determine, by contract, the compensation for all engineers, officers, and servants, in the employ of said company; and to determine, by the by-laws, the manner and evidence of all transfers of stock in said company; and that a majority of them shall have power to pass all by-laws, which they may deem necessary and proper, for exercising all the powers vested in this company hereby incorporated, and for carrying into effect this act: *Provided only*, that such by-laws shall not be contrary to the Constitution of this State, or of the United States.

Proviso.

President and
Directors may
borrow mo-
ney.

Sec. 10. *And be it further enacted*, That the President and Directors of said company, or a majority of them, are empowered to borrow money, to carry into effect the objects of this act; to issue certificates, or other evidences of such loan, and to pledge the property of the company for the payment of same, and its interest.

Powers of,

Sec. 11. *And be it further enacted*, That the President and Directors shall be, and they are hereby invested with all the rights and powers necessary to the construction and repair of a Rail Road, from the town of Girard, on the Chattahoochee river, in the county of Russell, to intersect, or connect, with the navigable waters of the Mobile Bay, or with the Rail Road leading from Montgomery to West Point, at the nearest and most suitable point of said road.

May contract
for land, gra-
vel, &c.

Sec. 12. *And be it further enacted*, That the said President and Directors shall be authorized to contract for, and receive conveyances for land, stone or gravel, henceforth, which may be required in the construction of said Rail Road; and when the owners and company cannot agree, or when the owner is an infant, or *non compos mentis*, then it shall be lawful for said President and Directors to apply to any Justice of the Peace for a warrant, directed to the sheriff of the county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, under the same rules and regulations now established by law, in cases of other roads; said jury forthwith shall assess the value of said land, stone, gravel, and timber, subject to the right of an appeal to the Circuit Court, by either party, who shall think themselves aggrieved; when the trial shall be *de novo* by a jury, as in other cases, and the sheriff shall return the same to the office of the clerk of the County Court of the proper county; and at the next term of the Commissioner's Court, the same shall be affirmed, if no objection, and if

the Court shall set the same aside, said Court shall order a new writ, and an assessment made in pursuance thereof, shall be final, and the land, stone, gravel, and timber, so contracted for, or condemned, shall inure to the said company, upon the payment of the said money to the person contracted with, or into the Court, as the case may be; and the whole proceedings shall be entered of record in said Court, at the expense of said company: *Provided however*, that the said work shall in no wise be delayed on account of the proceedings had as aforesaid; but the said company, on tendering the amount to which the land, stone, gravel, or timber, shall have been valued, to the owner, or depositing the same in the office of the clerk of said Court, may proceed with the same work, if there shall be no appeal: *And provided further*, that no right shall exist in said company to pull down any dwelling house without the consent of the owner thereof. Proviso.

Sec. 13. *And be it further enacted*, That the said President and Directors, after having had the tract upon which said Rail Road is to run, surveyed and selected, may proceed to let the same to contract: *Provided*, that they give sixty days public notice of the time and place of letting the same to contract, and the said road, with all the works, improvements, and machinery, for transportation, used on said road, are hereby vested in said company, and their successors. Letting of contracts.
Proviso.

Sec. 14. *And be it further enacted*, That in case any person shall willfully injure, or obstruct, in any degree, the said road, he shall forfeit and pay to the President and Directors of said company, three times the amount of all damages which they may sustain in consequence thereof; to be sued for and recovered in the same manner as provided by law for individuals, in like cases; and on complaint made to any magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind over the person, or persons, so offending, with a sufficient security, for his or their good behaviour, for a term not less than one year; and such offenders shall also be subject to indictment, and shall be sentenced at the discretion of the Court, to be imprisoned not less than six months, nor more than eighteen months. Liability for
injuring or
obstructing
road.

Sec. 15. *And be it further enacted*, That in the construction of said Rail Road, the President and Directors shall not obstruct or use any public road, now or hereafter to be established, but shall provide suitable and convenient ways, by which they shall cross the said Rail Road. Public roads.

Sec. 16. *And be it further enacted*, That after the completion of said road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandise, or other commodities, transported thereon: *Provided*, that the said company shall not charge for transporting May collect
toll.
Proviso.

on said road more than the rate of one half of one cent per mile, for every hundred weight, nor more than six cents for every passenger, per mile.

May connect
with Montg'y
& W P R Rd
Proviso.
Sec. 17. *And be it further enacted*, That the President and Directors of the Girard Rail Road Company are hereby authorized to connect their road with the Montgomery and West Point Rail Road, at such point, and upon such terms, as the President and Directors of the latter road may agree upon: *Provided*, that said road shall not be constructed within ten miles of the Montgomery and West Point Rail Road, without the consent of the President and Directors of the same, within one year from the passage of this act.

Approved, 21st January, 1846.

[No. 68.]

AN ACT

To Incorporate the Perry Guards.

Name and
style.
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the company of volunteers, in the county of Perry, known and called the Perry Guards, be, and the same are hereby created a body, by the name and style of the Perry Guards; and by that name shall sue and be sued, have a seal, and the same break and alter whenever they shall deem it necessary; and may exercise all other powers usual and incident to bodies corporate.

Powers of
company.
Sec. 2. *And be it further enacted*, That said company shall have power to frame and adopt such private rules for the regulation and government of said company, as they may deem proper and expedient, not contrary to the constitution or laws of the United States, nor of this State; and may alter and amend the same whenever they may consider it necessary.

Number of
members, &c.
Sec. 3. *And be it further enacted*, That said company shall consist of not less than thirty, nor more than forty members, including officers; and the commissioned officers of said company shall be one captain, and two lieutenants; and there may be other non-commissioned officers, if deemed necessary.

Company to
equip, muster,
&c.
Sec. 4. *And be it further enacted*, That said company shall uniform and equip themselves in some uniform, to be by them selected; and may alter the same whenever they may think proper; the said company are hereby required to muster at least six times in every year; they shall be wholly exempt and free from the order, control, and the direction of the colonel commandant of the regiment in which such company, or any member thereof, may be, and of all other militia officers of this State, except when called into actual service; and it shall be the duty of the captain of said company to make an annual return of the strength of the same, to the Adjutant General of this State.

Sec. 5. *And be it further enacted*, That said company shall only be bound to do patrol duty, as follows: at every muster the captain shall detail one patrol company, to consist of five men, including a leader of said company, who shall perform patrol duty in the same manner, and under the same rules, as now required by law. Patrol duty.

Sec. 6. *And be it further enacted*, That all fines and forfeitures levied and collected by the said company, from any of its officers or members, shall belong exclusively to said company, to be by them appropriated in such manner as they may direct: *Provided*, that the Legislature may at any time alter or repeal this act. Fines and forfeitures.
Proviso.

Approved, 31st January, 1846.

[No. 69.] AN ACT

To amend An Act to authorize the establishment of a Medical College at Wetumpka, approved twenty-fifth January, eighteen hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Board of Trustees of the Alabama Medical University, shall be authorized to establish said University either at Wetumpka, or any other city, town, or village, in the State of Alabama, as the interest of medical and surgical science may demand; any thing in the said act to the contrary notwithstanding. Act amended

Approved, 2d February, 1846.

[No. 70.] AN ACT

To reduce the number of Directors in the Montgomery and West Point Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That at the next annual election held by the stockholders of the Montgomery and West Point Rail Road Company, for Directors to manage the affairs of said company, the stockholders of said company, or a majority of them in value, may, and they are hereby authorized to reduce the number of said Directors from thirteen to five; who shall be elected in accordance with the provisions of the fourth section of the act incorporating the Montgomery Rail Road Company, approved fifteenth of January, eighteen hundred and thirty four; and that the said five Directors, when so elected, shall elect one from among themselves as President of said company. Number of Directors may be reduced.

Hands ex-
empt from
road duty.

Sec. 2. *And be it further enacted*, That all the hands belonging to, or employed by said company, on the road or works of said company, shall be relieved, and they are hereby declared to be exempt, from the performance of road duty, in the several counties through which said Montgomery and West Point Rail Road passes, between Montgomery and West Point.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, conflicting with the provisions of the above act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 71.]

AN ACT

To amend An Act entitled An Act to incorporate the Town of Warsaw, in Sumter county.

Boundaries of
corporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the boundaries of the incorporation of the town of Warsaw, in Sumter county, shall be as follows, to wit: beginning at a point on the west boundary line of the present incorporation, where the northern margin of Union street intersects the said line; thence westward along the northern margin of the road, which is a continuation of Union street to its junction, with the Gainesville road, leading through Jamestown; thence southward with said road to the section line between section twenty-eight and thirty-four, and township twenty-three, range two, west; thence eastward with said line to the corner of said section; thence southward on the section line, between section thirty-three and four, one quarter of a mile to a stake; thence eastward to the southern corner of the present incorporation.

Laws to have
effect, §2.

Sec. 2. *And be it further enacted*, That the laws of the present incorporation shall have as full force and effect over the citizens and property embraced within the above designated boundary, as though they had been included within the original incorporate limits of said town of Warsaw.

Intendant, &c
authorized to
levy and col-
lect tax.

Sec. 3. *And be it further enacted*, That the intendant and council of the town of Warsaw, are hereby authorized to levy and collect a tax from every species of property located within the corporate limits of said town, that is subject to taxation by the county and State, to an amount not exceeding that levied and collected by the county and State; and also to levy and collect a poll tax from all free white persons, subject to taxation, not to exceed one dollar; and on all free negroes one dollar and fifty cents; and on all slaves an amount not exceeding that levied and collected by the State and county.

Sec. 4. *And be it further enacted*, That the said intendant and council are hereby invested with full power and authority, to sell any kind of personal property whatsoever, belonging to delinquent tax payers within the incorporation, in order to pay off and satisfy the same, in any manner they may think proper : *Provided*, that in all cases public notice of the time, place, and object, of such sale, shall be given at least ten days previous to said selling, by advertisement at three or more public places in said incorporation ; and also to sell real estate for the taxes, and such dues thereon as are incident for assessing and collecting ; which shall in all respects, be subject to the same restrictions and regulations that sales of real estate are, when made to collect the State and county tax : *Provided*, that all such sales shall be made in the town of Warsaw

Property of delinquents may be sold for taxes.

Proviso.

Sec. 5. *And be it further enacted*, That said intendant and council be, and they are hereby authorized, to build a prison house within the limits of said corporation ; and also to imprison for such time as they may think right, any person who may fail or refuse to pay fines and forfeitures incurred, or imposed, for violations of the laws and ordinances of said incorporation : *Provided*, that in all cases such imprisonment would not be in derogation of the laws and constitution of the State.

May erect prison.

Sec. 6. *And be it further enacted*, That the said intendant and council of the town of Warsaw, aforesaid, are hereby empowered, and authorized, to appoint an auctioneer in and for the town of Warsaw ; who shall continue in office one year, and be subject to all the rules, regulations, and restrictions, that county auctioneers are, and receive such compensation for his services, as the said intendant and council may allow : *Provided*, that said auctioneer shall give bond to the intendant and council, in such amount of penalty as they may think fit, for the faithful discharge of his duties.

May appoint auctioneer.

Proviso.

Sec. 7. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 72.]

AN ACT

To amend the Act incorporating the Town of Jacksonville, in Benton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an act entitled An Act to incorporate the Town of Jacksonville, in Benton county, approved twenty-fourth of December, eighteen hundred and thirty-eight, be, and the

Charter amended.

same is hereby so amended as to require, and make it the duty of the incorporation of said town of Jacksonville, to keep in good repair the Rabbit Town road, running east from said town of Jacksonville, to the top of the mountain on said road.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 2d February, 1846.

[No. 73.]

AN ACT

To incorporate the Schultz Creek Manufacturing Company.

Stock may be
raised by sub-
scription.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Alexander Graham, the present proprietor of Graham's Mills, near the mouth of Schultz creek, in Bibb county, Alabama, be, and he is hereby authorized and empowered, at such time and place, and under such regulations, and on such terms, as he may prescribe, to raise stock by subscription, for the establishment of a manufactory, at or near the present site of said mills: *Provided*, such terms and regulations shall be written out in full, in the book of subscription, before the time of subscription; and shall be general, and operate on all subscribers alike: *And provided*, said company may engage in the manufacturing of yarns, and cloths of cotton, wool, and hemp.

Declared bo-
dy corporate.

Name and
style.

Powers.

Sec 2. *And be it further enacted*, That the said Alexander Graham, and such subscribers as he may thus obtain, and their associates and successors, be, and they are hereby declared to be a body corporate, by the name of the Schultz Creek Manufacturing Company; and by that name may purchase, hold, and convey personal and real estate, may contract and be contracted with, in reference to the objects of this corporation, and may sue and be sued, plead and be impleaded, answer and defend in all Courts having jurisdiction of the subject matter; and may have a common seal, and break; alter, or renew at pleasure.

Capital stock
limited.

Stockholders.

Sec. 3. *And be it further enacted*, That the capital stock of said company, shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; that in all matters to be determined by the subscribers, each stockholder shall be entitled to as many votes as he has shares of stock, and may vote in person, or by proxy, under such regulations as may be made by the by-laws; that the stock shall be held and considered as personal property, and shall be transferable only in such manner as may be fixed by the by-laws; that no stockholder shall be liable in any event

for the debts of the company beyond the amount of his stock; Liability of, that the stock of each subscriber shall, from the date of his subscription, be subject to a lien in law and equity, in favor of the debts due by such subscriber to the company, or by the company to others; and that no valid transfer, alienation, or sale can be made to defeat said lien.

Sec. 4. *And be it further enacted,* That the business matters of said company may be conducted by the subscribers, a majority according to the value of stock, constituting a quorum, until such time as they may choose to elect and organize a board of directors, or trustees; and they are hereby authorized whenever they may think proper, to call a meeting for that purpose, and under such regulations as they may prescribe; and may transfer to the said board such authority, powers, and duties, as they may choose, not inconsistent with the objects of the corporation. Business, how transacted.

Sec. 5. *And be it further enacted,* That said company may commence operations, in the enterprise contemplated by this charter, whenever in their judgment, a sufficient amount of stock has been subscribed; and that they may require assessments to be paid from time to time, and pass such by-laws as may be necessary for the furtherance of the objects of the said company, not inconsistent with this charter; *Provided,* the powers hereby granted shall continue for the term of thirty years. When to commence operations. Proviso.

Approved, 4th February, 1846.

[No. 74.]

AN ACT.

To amend the Charter of the City of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the City Council of Montgomery, be, and the same is hereby authorized, to raise a sum of money, not exceeding seventy-five thousand dollars, by the sale of the bonds of said city for that amount, in sums of one hundred dollars each, or upwards, bearing such a rate of interest, and redeemable at such times and places as said corporation shall designate. Corporation authorized to sell bonds.

Sec. 2. *And be it further enacted,* That the said corporation be, and the same is hereby authorized, to pledge or mortgage the real estate belonging to the said corporation, and the rents and profits thereof, for the payment of the principal and interest of said bonds, and to assess such a tax upon the real estate within the corporate limits of said city of Montgomery, as shall be fully adequate to the payment of the interest, and for a sinking fund for the payment of the principal of said debt. Property of Corporation to be pledged for payment.

Sec. 3. *And be it further enacted,* That the holders of said

Privileges of
Bond holders. bonds shall not be required to inquire into the use or application of the sums of money that shall be raised by the sale of, or advanced upon said bonds, but that said holders shall be entitled against said corporation, to all the advantages of the holders of foreign bills of exchange.

Approved, 2d February, 1846.

[No. 75.]

AN ACT

To incorporate the Town of Courtland, in Lawrence County.

Corporate
limits.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the following limits, viz: beginning at the north east corner of John M. Swope's lot, and running thence west to the township line; thence south along said township line, to the point where said township line intersects Big Nance creek, at the Town spring; thence east to the south east corner of the Male Academy lot, and thence north, to the beginning, in the county of Lawrence, in said State, be, and the same are hereby incorporated under the name and style of Intendant and Council of the Town of Courtland; and under that name they shall be capable of suing, and being sued, in all manner of suits, both at law and in equity, and also possess power to do all acts and things incident to bodies corporate; and may for the benefit of said town, purchase, hold and dispose of property, real, personal, or mixed, not exceeding in cash valuation, the sum of five thousand dollars.

Elections to
be held for of-
ficers.

Proviso.

Sec. 2. *And be it further enacted,* That on the second Monday in March next, or within thirty days thereafter, an election shall be held in said town, for four Councilors, one Intendant, and one Town Constable, who shall serve for the space of one year, and until their successors are elected and qualified; and such election shall be held annually thereafter, upon such notice as the Intendant and Councilors aforesaid shall direct: *Provided,* the same is not less than five days; and Nathan J. Gallaway, Jacob J. Points, Peter Puryear, William P. McMahan, and James M. Beemer, or any two of them, have power to hold said election, first aforesaid, and shall give a certificate of election to the candidate getting the highest number of votes: *Provided,* said election be held in said town, and according to the forms now prescribed by law in county elections.

Subsequent
elections.

Sec. 3. *And be it further enacted,* That all subsequent elections of said town officers aforesaid, shall be conducted by the Intendant and Councilors of said town, or any two thereof, appointed by the board for that purpose, on the second

Monday in March in each and every year; and all the free male white inhabitants of twenty-one years of age and upwards, in said town, who have been for thirty days next preceding any election resident in said town, shall be entitled to vote for town officers.

Sec. 4 *And be it further enacted*, That the persons elected Intendant and Councilors, as aforesaid, shall take the usual oaths of office, before entering on the discharge of their duties as such, before some justice of the peace; and they, or a majority of them, shall have power to enforce the patrol laws in the limits of said town, to quell riots, and disturbances, to suppress indecent and disorderly conduct, to make by-laws and ordinances for the good government of said town, and enforce the same; to remove nuisances, and punish offences against the by-laws and ordinances aforesaid by fine and costs: *Provided*, no fine shall exceed the sum of twenty dollars for any one offence; and said board, or a majority of them, may annually levy such tax on the citizens, and their property, as they may deem expedient for the uses of said corporation, and collect the same; but said tax shall be equally imposed.

Powers of incorporation.

Proviso.

Sec. 5. *And be it further enacted*, That the officers of said corporation shall keep a record of their proceedings, and no by-law, or ordinance, shall be enforced until it has been posted at some conspicuous place within said town for at least ten consecutive days.

By-Laws.

Approved, 31st January, 1846.

[No. 76.]

AN ACT

To incorporate the Lodges of the Independent Order of Odd Fellows.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the officers and members of Lodges number seven, eight, nine and six, of the Independent Order of Odd Fellows, located at Tuscaloosa, Greensboro', Wetumpka, and Montgomery, be severally incorporated, and severally made bodies politic, capable in law of doing all things usual to corporate bodies of that description, to use their present appropriate designations, as corporate names severally; to have and use a common seal; to sue and be sued, by said corporate names; and each in their several corporate names to hold real and personal estate, not exceeding for each Lodge, the value of fifty thousand dollars: *Provided*, no privilege hereby granted, shall authorize the passage of any by-law interfering with public morals, or repugnant to the laws and constitution of the United States, or of this State.

Tuscaloosa
Greensboro
Wetumpka
Montgomery

Powers of
Lodges, &c.

Proviso.

Approved, 24th January, 1846.

[No. 77.]

AN ACT

To amend An Act entitled An Act to incorporate the Town of Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Mayor and Aldermen of the Town of Huntsville, be, and they are hereby authorized and empowered to erect a toll gate, at any point not nearer than one mile and a quarter from the court house of said town, on the macadamized road they may construct, from the western boundary of said town, to the junction of the Athens and Decatur road.

May erect
toll gate.

Sec. 2. *And be it further enacted,* That so much of an act, entitled an act, to incorporate the Town of Huntsville, as contravenes the provisions of this act, be, and the same is hereby repealed.

Approved, 2d February, 1846.

[No. 78]

AN ACT

To incorporate Chunnanugga Ridge Academy, in Macon County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Norman B. Powell, William Herrin, James B. Hooten, Rhodon A. Green, and Edward Cary, be, and they are hereby constituted a body corporate, under the name and style of the Trustees of the Chunnanugga Ridge Academy.

Names of
trustees.

Sec. 2. *And be it further enacted,* That the said Trustees shall have power to appoint one of their body President, and shall have power to appoint a Secretary, a Treasurer, and such other officers, and make such additions to the number of Trustees, as they may deem necessary or expedient, for the well being and good government of said institution, and to appoint teachers as to them may seem expedient; and shall have power to define the duties of each of said officers, and teachers, and to define the rate of tuition; and the same to increase or diminish at pleasure, with the further power to make and execute all contracts that may be necessary in and about said institute, and to fill all vacancies that may occur in the Board of trustees from any cause, and to appoint the time of holding the meetings of said board, and shall have power to make all such by-laws for the regulation and government of said seminary, as they, or a majority of them may deem necessary, and to alter and amend the same at pleasure: *Provided,* such by-laws are compatible with the constitution and laws of this State, and the United States.

Powers of
trustees.

Sec. 3. *And be it further enacted*, That the said corporation, by its corporate name, shall be capable in law, to have and use a common seal, and the same to break, alter or renew at pleasure, and of suing, and being sued, of pleading and being impleaded, of answering and being answered, in all kinds of actions; of receiving donations, and making purchases of property, which shall enure to them and their successors in office; of holding real and personal estate not exceeding twenty thousand dollars.

Powers and liabilities of corporation.

Sec. 4. *And be it further enacted*, That the Trustees, in connection with the teachers in said institution, shall have the power to grant certificates of honor to the graduates, as in their judgment they, or a majority of them shall think proper.

May grant certificates of honor.

Sec. 5. *And be it further enacted*, That no person, or persons, shall be permitted to retail spirituous liquors, (except for medical purposes,) within one mile of said institution; and in violation of this act, shall be rendered liable to all fines and penalties now prescribed by law for the protection of worshipping assemblies.

Spirituous liquors prohibited.

Approved, 1st January, 1846.

[No. 79.]

AN ACT

To establish a Medical Board at the Town of Crawford, in the County of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Erastus W. Jones, James W. Hunter, Thomas P. Park, Jeremiah C. Butler, M. D. Grant, P. Phillips, Jacob Lewis, O. B. Walton, Doctor Floyd, of Salem, Doctor McCoy, of Warcooche, Doctor Rogers, of Girard, William Bacon, Doctor E. Bacon, Doctor Mall, be, and they are hereby constituted a Board of Physicians for the county of Russell, or so many of them as are regular graduates of any reputable Medical College.

Medical Board established.

Sec. 2. *And be it further enacted*, That the Town of Crawford, in the county of Russell, shall be the place of meeting of the Board annually, on the first Monday in February.

Place of meeting.

Sec. 3. *And be it further enacted*, That three or more of the above named Physicians who constitute said Medical Board, shall be authorized to organize themselves, by the election of a President and Secretary, and such other officers, as shall be determined by said Board, necessary for discharging the duties incumbent upon said Board.

Organization of Board.

Sec. 4. *And be it further enacted*, That a majority of said

Vacancies.	Board, shall have power to fill any vacancies that may happen, by death, resignation, or otherwise.
Duties of Board.	Sec. 5. <i>And be it further enacted</i> , That it shall be the duty of said Board, to examine applicants for permission to practice medicine, grant license, and do all other business authorized or required of any Medical Board in this State, necessary for their government: <i>Provided</i> , such by-laws do not conflict with the constitution of the United States, or the constitution of the State of Alabama.
Proviso.	
Powers and liabilities.	Sec. 6. <i>And be it further enacted</i> , That said Board are required to have and keep a record of their constitution and by-laws, and all license granted, and all other acts of said Board; which said record shall be subject to the inspection of any persons interested; and said Board are hereby required to procure and keep an official seal, with such device as they deem suitable, and they are hereby declared capable in law, and equity to recover and hold, have and enjoy donations of real or personal property, not exceeding ten thousand dollars in value, to have and to hold the same, by gift, grant or purchase, either in fee simple, or otherwise; sue and be sued, plead and be impleaded, and do, and perform all other acts, incident to, or appertaining to any Medical Board in this State: <i>Provided</i> , nothing in this act shall be so construed, as to authorize said Medical Board to exercise banking privileges.
Proviso.	
Jurisdiction of Board.	Sec. 7. <i>And be it further enacted</i> , That the jurisdiction of the said Medical Board, in the exercises of its privileges and duties, shall extend over the county of Russell; and no Physician shall be allowed to practice medicine or surgery in said county, unless he shall record his name as a member of said Board, or be licensed by the same, unless said Physician is at this time a practising Physician, or a resident graduate of said county, or a graduate of some respectable Medical College, or who may have license from any Medical Board in this State.
Construction of act.	Sec. 8. <i>And be it further enacted</i> , That nothing in this act, shall be so construed as to effect the rights of those who may choose to practice the Botanical system, under the restrictions now prescribed by law.

Approved, 13th January, 1846.

[No. 80.]

AN ACT

To alter and amend the Charter of the Town of Girard.

Charter amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Intendant and Council of the Town of Girard, in the county of Russell, be authorized to pass such ordinances, and do such acts through their agents, as may be necessary for

the good order and moral government of said inhabitants of said town; clearing the streets, and removing nuisances therefrom, in as full and complete a manner as is usually granted to similar municipal corporations: *Provided*, that nothing in this act, or the said act of which this is an amendment, shall authorize the said corporation to interfere with, or remove any house or building now in the possession of Vinson C. Kirkland, Milton J. Tarver, and Beckwith and Taylor. Proviso.

Approved, 2d February, 1846.

[No. 81.] AN ACT

To amend An Act entitled An Act to alter and amend the several Acts incorporating the Town of Greensboro'.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the two regularly licensed hotels, the Mansion House and Greensboro' Hotel, in said Town of Greensboro', be exempt from the provisions of said act, as far as relates to license to retail spirituous liquors: *Provided*, they shall have complied, in all cases, with the laws of the State regulating the retail of spirituous liquors. Charter amended.

Approved, 24th January, 1846.

[No. 82.] AN ACT

To amend An Act to incorporate the Robinson Institute, for the purpose of Education, in the county of Autauga.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that the principal, assistants and visitors, and their successors in office, of the Robinson Institute, are hereby authorized to confer degrees, grant diplomas, and do all such other acts as other institutions of similar nature are by law authorized to do. Authorized to confer degrees and grant diplomas.

Approved, 31st January, 1846.

[No. 83.] AN ACT

To amend An Act to incorporate the Mobile and Baldwin County Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the fourteenth section of an act entitled An Act, to incorporate the Mobile and Baldwin Manufacturing Company, approved, the twenty-second of January, eighteen hundred and forty-five, be, and the same is hereby repealed. Repeal.

Charter of
corporation
extended.

Proviso.

Sec. 2. *And be it further enacted,* That the said corporation shall continue and have being, for the space of twenty-five years, from and after the passage of this act: *Provided,* the legislature does not alter or amend, for good cause shown by the corporators, or their representatives: *And provided,* the same is not repealed or annulled for misuse, or nonuse.

Approved, 2d February, 1846.

[No. 84.]

AN ACT

To repeal in part An Act entitled An Act to incorporate the Town of Fredonia, in Chambers County.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sixth section of an act entitled an act to incorporate the Town of Fredonia, in Chambers County, Alabama, approved, February fourth, eighteen hundred and forty, be, and the same is hereby repealed; and that all hands who may reside within the limits of said corporation, be liable to work on the public roads as other hands in the beat in which they reside.

Approved, 23d January, 1846.

[No. 85.]

AN ACT

To incorporate the Warrior Manufacturing Company.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Robert Jemison, jr. John R. Drish, Henry A. Snow, James Hogan, and Thomas Maxwell, and their present and future associates, are hereby declared and constituted a body corporate, by the name and style of the Warrior Manufacturing Company, for the purpose of manufacturing cotton, hemp, wool, or any other material; and by that name and style, may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity; and may have and use a common seal, and the same alter or amend at pleasure; and may have and hold real and personal property, to an extent necessary to carry on their business advantageously, with power to transfer or convey the same.

Capital stock.

Sec. 2. *And be it further enacted,* That the capital stock of said company shall not exceed two hundred thousand dollars; and that subscriptions to the same shall be regulated by the said Jemison, Drish and their associates, as to the time, place, when and where said subscription shall be taken; the amount to be paid on subscribing, and the time or times when the remaining portion shall be paid in, with full power to regulate the whole matter,

and to declare forfeitures under certain rules, when stockholders fail to comply; and to do all things necessary to insure the punctual payment of the several instalments of stock required, as they become due: *Provided*, that, any regulation thus adopted shall be general, and operate on all subscribers alike: *And pro-* Proviso.
vided also, that should any stockholder fail to pay in his subscription of stock, according to the requisitions of said corporation, the same shall have power, on giving ten days notice to such defaulting stockholder, to move for, and obtain judgment, in either the Circuit or County Court of the county in which the factory of said corporation may be located, for the amount of subscription for which he may be in default, with five per cent. thereon and costs of suit.

Sec. 3. *And be it further enacted*, That the capital stock of said corporation shall be divided into shares of one hundred How divided.
dollars each, to be assignable and transferable according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions arising at business meetings shall be equal to the number of shares of stock he may hold; each share being entitled to one vote: *Provided*, that the subscriptions of stock to said corporation, and the transfers of the same, (when made) shall be registered in a book to be provided by said corporation, and kept at or near their factory buildings, which shall at all times be open to the inspection of each and every stockholder. Proviso.

Sec. 4. *And be it further enacted*, That said company shall not be considered as organized until stock to the amount of forty thousand dollars is subscribed, after which the stockholders shall elect five trustees, to manage the property and concerns of said corporation, one of whom shall be appointed president by the other trustees; said trustees to be chosen annually, at such time and place as the stockholders may determine upon: *Provided* Organization of Company.
always, that the trustees for the time being, shall serve until their successors are elected; and they, or a majority of them, shall form a quorum for the transaction of business; and shall have power to make all such by-laws, rules and ordinances, as to them Proviso.
may appear needful, touching the management and disposition of the property and effects of said corporation, and all such matters as may appertain to the concerns of the same; and they shall have power to employ all such officers, agents and servants as they may deem necessary for the transaction of the business of said corporation, and to displace such officers, agents and servants at pleasure; and they shall at all times, keep or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the corporation; and they shall also keep regular minutes of the proceedings of all their meetings, and also those of the stockholders; which book shall at all times be subject to the examination of stockholders. Powers and duties of trustees.

Dividends.

Sec. 5. *And be it further enacted*, That said trustees shall make annual dividends of so much of the profits of said corporation as they may think proper, and cause the same to be paid to the stockholders.

Banking privileges prohibited.

Sec. 6. *And be it further enacted*, That the corporation shall not exercise banking powers, or any other powers not necessary and proper to carry out the foregoing granted powers.

Location.

Sec. 7. *And be it further enacted*, That said corporation may erect its factory buildings and machinery at any point deemed most suitable, within the limits of Tuscaloosa county.

Approved, 2d February, 1846.

[No. 86.]

AN ACT

To incorporate the Grand Lodge of Alabama of the Independent Order of Odd Fellows and its Subordinate Lodges.

Declared body corporate.

Name and style.

Powers of corporation.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Solomon I. Jones, Wm. E. Jennings, Stephen Twelves, John Silsby, and James S. Roulston, and their associates, be, and they are hereby constituted and declared a body corporate, in deed and in law, by the name and style of the Grand Lodge of Alabama of the Independent Order of Odd Fellows in the State of Alabama; and by that name and style, shall have full power and authority to have and use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, to implead and be impleaded, answer and be answered unto, in all kinds of action whatsoever, and also to make, pass and adopt, all such rules, regulations, constitution and by-laws, for the proper and better organization of their said Grand Lodge, as they may deem necessary or expedient: *Provided*, the same shall not be repugnant to, or inconsistent with the constitution and laws of the United States, or of the State of Alabama, or any of the provisions of this act of incorporation.

Corporators authorized to hold property, sell, &c.

Sec. 2. *And be it further enacted*, That the said Solomon I. Jones, Wm. E. Jennings, Stephen Twelves, John Silsby and James S. Roulston, and their associates, or Grand Lodge, or body corporate, and the subordinate Lodges working under the jurisdiction of said Grand Lodge, shall be, and they are hereby authorized and empowered to hold property and estate, both real and personal, to make purchases of property; also to accept and receive all gifts, grants, donations, offerings, privileges and immunities whatsoever, which may hereafter be made at any time, and granted to said Grand Lodge or body corporate, or which may hereafter be conveyed or transferred to them, and to sell, alien, dispose of, transfer and convey the

same: *Provided*, that the entire property and estate, real or personal, so by them at any one time held, shall not exceed eighty thousand dollars. Proviso.

Sec. 3. *And be it further enacted*, That no misnomer, palpable error or evident mistake of the said Grand Lodge, or body corporate, or of any of its subordinate Lodges, in conveying to others, or of others conveying to them any real or personal estate, shall defeat, annul or make void any sale, gift, grant, devise or bequest to, or sale from said Grand Lodge or body corporate, or said subordinate Lodges: *Provided*, the true intent of the parties thereto shall sufficiently appear upon the instrument of sale or conveyance, gift, grant, devise or other writing, whereby any property, estate or interest was intended to pass from or to the said Grand Lodge of Alabama of the Independent Order of Odd Fellows, or any of its subordinate Lodges in the State of Alabama, hereby incorporated. Mistakes of corporation not to make void sales, &c

Sec. 4. *And be it further enacted*, That nothing contained in this act of incorporation, shall be so construed, as to give to the said Grand Lodge or body corporate any right, power, or privilege whatsoever, to exercise any banking business of any kind or nature whatsoever. Banking privileges prohibited.

Approved, 13th January, 1846.

[No. 87.]

AN ACT

To incorporate the Town of Salem, in the county of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Salem, in the county of Russell, be and the same is hereby incorporated; and there shall be elected on the first Monday in March next, one intendant and five councilors for said town; and on the first Monday in January, annually thereafter an election shall be held for said officers. Incorporated.

Sec. 2. *And be it further enacted*, That the name and style of said corporation shall be the Intendant and Councilmen of the said town of Salem; and by that name, may sue and be sued, plead and be impleaded, take and hold property, both real and personal, not to exceed three thousand dollars; and the same sell and dispose of in such manner as may be most beneficial to the said town, and not inconsistent with the constitution of this State or of the United States. Name and style.

Sec. 3. *And be it further enacted*, That H. M. Cruder, J. H. Askew, A. A. Jones, Wm. Whitley, James Jones, P. S. Mangham and John Adair, or a majority of them, be, and they are hereby authorized, to hold an election in said town, on the Powers.
Persons authorized to hold election.

Voters.

first Monday in March next, for an intendant and five councilmen ; at which election all free white male citizens, of the age of twenty-one years and upwards, who shall have resided within the limits of said town three months, immediately preceding an election for intendant and councilmen, or either of them, and all householders and freeholders therein, who shall have resided within the limits of said town one month previous to said election, shall be deemed qualified voters at said election for intendant and councilmen.

Eligibility of Councilors.

To take oath.

Sec. 4. *And be it further enacted*, That any elector of said town, who is of the age of twenty-one years or upwards, shall be eligible either to the office of intendant or councilman ; and the intendant and councilmen before entering on the duties of their office, shall take and subscribe the following oath, before the judge of the County Court, or any justice of the peace for said county, viz: I do solemnly swear (or affirm as the case may be) that I will well and truly, and to the best of my knowledge and ability execute the duties of intendant (for intendant) councilor (for councilman) of the town of Salem, without fear, favor or partiality, so help me God ; and should the said intendant remove from the said town, or be absent therefrom, for three months at any one time, without the consent of the councilors, his office shall be vacated ; and should any councilman remove from said town, or shall be absent three months at any one time, without the consent of the intendant and the other councilmen, his or their offices shall be vacated ; and it shall be the duty of the remaining part of the board forthwith to supply the vacancy or vacancies so occurring.

Vacancies, how filled.

Sec. 5. *And be it further enacted*, That in the event of any vacancy occurring in the office of intendant, either by death, resignation or otherwise, the councilors shall choose one of their body intendant, pro tempore, who shall continue in office as intendant until the next succeeding annual election ; and if any vacancy shall happen in the board of councilors, by death, resignation or otherwise, then, and in that case, it shall be the duty of the intendant to appoint managers to hold an election to fill such vacancy or vacancies, who shall after giving five days notice, proceed to open the polls for such election, and after the same it shall be their duty to make known to the successful candidate his election.

Powers of Councilors.

Sec. 6. *And be it further enacted*, That the intendant and councilmen, or a majority of them, are hereby vested with full power to keep open the streets and alleys of said town, to preserve the peace and good order of the same, to fine for assaults and battery, and to pass all by-laws for the purpose of carrying into effect all the powers herein granted, and all other powers necessary for the good government of said town, not in-

consistent with the constitution of this State or of the United States.

Sec. 7. *And be it further enacted*, That the said intendant and council, shall have power to levy a tax on the inhabitants and property of said town, to raise money for the government and management of the affairs of said incorporation. May levy tax.

Sec. 8. *And be it further enacted*, That the said intendant and council, shall on the day succeeding their election, or so soon thereafter as convenient, select by ballot, a clerk, treasurer, and town marshal, for said town; and it shall be the duty of the clerk, to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to the marshal, whose duty it shall be to collect the same and pay over to the treasurer. Elect officers.

Sec. 9. *And be it further enacted*, That said intendent and council, shall have power to remove from office, the treasurer, clerk or marshal, upon sufficient reasons, and appoint others; and shall fix the salaries of each of said persons; and take bonds for the faithful performance of their duties. May remove officers.

Sec. 10. *And be it further enacted*, That the intendent of said town shall be ex officio a justice of the peace.

Sec. 11. *And be it further enacted*, That this act of incorporation shall not become void from nonuser, but may continue in full force and effect whenever an election for officers shall be held under the provisions of this act.

Sec. 12. *And be it further enacted*, That the corporate limits of said town of Salem, shall extend six hundred and fifty yards each way, from the public square of said town, and no further. Corporate limits.

Approved, 31st January, 1846.

[No. 88]

AN ACT

To amend An Act entitled An Act to establish and incorporate the Town of Russelville, in the county of Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the above recited act, as gives the trustees of said town of Russellville, the power and authority to tax retailers of spirituous liquors, the sum of ten dollars in any one year, be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted*, That the trustees of the said town, shall have, and they are hereby invested with full power to levy an amount of taxes upon retailers of spirituous liquors within the corporate limits of said town, which to them may seem proper and expedient, not to exceed in any one year, the sum of fifty dollars. Trustees may tax retailers of liquors.

Penalty for
retailing, &c.

Sec. 3. And be it further enacted, That if any person or persons, shall keep within the corporate limits of said town, any retail grocery establishment, or shall sell any spirituous liquors within the said limits, in less quantity than one quart, without having first complied with the provisions of this act, by paying to the said trustees or other proper officer of said town, such tax as the said trustees may from time to time levy; he or they, so offending shall be liable to indictment, and upon conviction shall be fined in a sum not less than fifty, nor more than five hundred dollars for each and every such offence, at the discretion of the court trying the same.

For selling on
Sabbath.

Sec. 4. And be it further enacted, That any grocer who shall suffer any spirituous liquors drank in his grocery on the Sabbath day, within the corporate limits of the said town of Russellville, in the county of Franklin, shall be liable to a fine of twenty dollars, and forfeit his license to retail liquors in said county.

Sec. 5. And be it further enacted, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 23d January, 1846.

[No. 89.]

AN ACT -

To renew An Act therein named, and for other purposes.

Charter re-
newed.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That An Act entitled An Act to incorporate the Eagle Rail Road and Lumber Company, approved, the seventeenth of December, eighteen hundred and thirty-six, be, and the same is hereby renewed and continued; and that the clause of forfeiture in the sixteenth section of the same, be, and the same is hereby repealed.

To complete
road in 12
years.

Sec. 2. And be it further enacted, That the said corporation shall commence the said road within five years from the passage of this act, and complete the same in twelve years thereafter.

Names of
Commission-
ers.

Sec. 3. And be it further enacted, That Malcom J. McRea, Jacob Baptist, Charles White, George W. Gaines, Wm. Taylor, Joseph Kribbs, and Lyman Randall, be, and they are hereby appointed commissioners under the second section of said act, in the place of those thereby originally appointed.

Approved, 3d February, 1846.

[No. 90.]

AN ACT

To incorporate the Coosa Canal and Manufacturing Company,
at Wetumpka.

Whereas, Benjamin Jones, Joseph Bragg, Jabez Smith, Edmond H. Osbourne, and Daniel W. Bragg, have secured the right of way, for opening canals on either bank of the Coosa river, in the counties of Coosa and Autauga, at the city of Wetumpka, and are desirous of erecting a dam across said river, for the purpose of procuring a water power to propel extensive machinery, to be erected at or near said city: And whereas, the said individuals propose to construct safe locks in said dam, or canals, to facilitate the passage of boats descending the Coosa river:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Benjamin Jones, Joseph Bragg, Jabez Smith, Edmond H. Osbourne, and Daniel W. Bragg, and their associates, do compose a joint stock company, to be known by the name and style of the Coosa Canal and Manufacturing Company, at Wetumpka; and by that name shall sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and the same alter at pleasure, hold real and personal property, and make all such by laws and regulations, as may be necessary for the government of said company: *Provided*, they be not repugnant to the laws of this State, nor the laws of the United States: *And provided further*, that the said company be confined to the business of manufacturing exclusively.

Sec. 2. *And be it further enacted*, That the capital stock shall not be less than fifty thousand dollars, nor more than five hundred thousand dollars; to be raised by subscription, of shares of one hundred dollars each; and the commissioners hereinafter named, or a majority of them, shall have power to open books of subscription, for the capital stock of said company, subject to such regulations as they may deem best, for the interest of said company, giving twenty days notice of the time and place, in one or more of the newspapers published in the city of Wetumpka; and as soon as the capital stock, or the minimum amount thereof, shall be subscribed, the said commissioners shall, by public notice of fifteen days, call a meeting of the subscribers, to whom, or a majority of whom, acting either in person or by proxy, the books of subscription shall be transferred; and the said subscribers, or a majority of them, shall proceed to elect, out of the stockholders, at their first meeting, five directors; in which election, and all other voting, each stockholder, either in person or by proxy, shall be entitled

President.

Officers, agents, &c.

Certificates of stock to be issued.

Names of Commissioners.

Books may be opened for subscriptions of stock.

Proviso.

Proceedings open to stockholders.

to one vote for every share owned by him; the said directors, or a majority of them, may choose from their body a president, and in his absence, a president *pro tempore*; they shall have power to call general meetings of the stockholders, to supply vacancies in their own body, to appoint such officers, agents, and clerks, as the stockholders shall authorize; to take bond and security for the good conduct, fidelity, and attention, of such officers, agents, and clerks, and to do all other acts and things necessary to advance the interest of said company, not otherwise provided for; that said directors, at the time aforesaid, shall cause certificates of stock to be issued to each stockholder, and a transfer of stock shall be deemed invalid, unless it be entered on the subscription book, either in person or by attorney, with a power under seal; that the said directors shall be chosen for one year; and should the stockholders fail to meet and elect other directors, the directors in office shall continue until the next annual election by the stockholders in general meeting, in which the major part of the stock shall be represented; the presence of a majority of the stockholders in interest, either in person or by proxy, shall be necessary for the transaction of business at any general meeting of the stockholders, but a smaller number may adjourn from time to time.

Sec. 3. *And be it further enacted*, That James Douglass, William H. McElroy, Eli E. Gaither, Alvin A. McWhorter, Lyd P. Saxon, Sampson W. Harris, and Seth P. Storrs, or a majority of them, are appointed commissioners to carry out the objects contemplated in the foregoing section.

Sec. 4. *And be it further enacted*, That should the whole of said capital stock not be subscribed for, before the said company shall have commenced its operations, the said president and directors shall be authorized, at any subsequent time, to open books of subscriptions to dispose of the balance of the stock, or any part thereof; the said president and directors shall have power, from time to time, to call in such parts of the capital as they deem necessary: *Provided*, that they give at least thirty days notice of the time and place, and of the instalment required; and should any stockholder fail to pay in the amount so required, the said president and directors shall be authorized to declare the stock of such stockholder forfeited, and subject to be re-sold, or to institute suit for such instalment.

Sec. 5. *And be it further enacted*, That the said president and directors shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose; and that the same shall be, at all times, open to the inspection of the stockholders, at any general meeting.

Sec. 6. *And be it further enacted*, That the said company be, and they are hereby authorized, in order to carry out the

objects of this act, to construct a dam across the Coosa river, at any convenient point, above the city of Wetumpka, where they may own, or may hereafter purchase, the land, on both sides : May con-
struct a dam.
Provided, the said dam or the canals, to be constructed by said company, be supplied with safe locks, of suitable size to admit Proviso.
 the free passage of all boats, descending said river; and it is hereby distinctly made the duty of said company, at all times, to keep their locks and canals in such order and repair, as in no wise unnecessarily to obstruct or delay the free navigation of said river; that said company shall be liable to a fine of twenty dollars per day for every day said locks and canals shall be out of repair, and be responsible for all losses that may occur to owners of boats, or other water craft, in consequence of the negligent want of repair of the locks and canals aforesaid, to be recovered in any court having jurisdiction of the same, by the persons so injured.

And whereas, it is represented that Benjamin Jones, Joseph Bragg, Jabez Smith, Edmond H. Osbourne, and Daniel W. Bragg, are the owners of the right of way, for said canals, and will have to incur all expenses, in rendering the water power available for manufacturing purposes:

Sec. 7. *And be it further enacted*, That the said persons shall have the privilege and option of subscribing, at any time, for such number of shares of the stock of said company, as the said company and the subscribers for stock, may agree to be an equivalent to the price demanded by said persons, for such property, Privileges
granted to
owners of
right of way.
 improvements, and water power, or such part of the same as may be required to carry out the objects of this act; and whenever the persons aforesaid, shall have duly transferred and conveyed the said property and improvements, and a sufficiency of water power, the same shall be received and taken in full payment and discharge of their subscription to that amount; and shall thereafter be, and constitute a part of the capital stock of said company, and their associates, subject to be disposed of, in like manner, with the residue of their stock and property.

Sec. 8. *And be it further enacted*, That the said company be, and they are hereby authorized, to manufacture any articles they may wish, out of cotton, wool, hemp, metals, wood, grain, as also to make oil.

Sec. 9. *And be it further enacted*, That this act shall continue in force, for and during the space of thirty years, from its passage, and no longer. Limitation of
act.

Sec. 10. *And be it further enacted*, That said company shall be organized, and commence its manufacturing operations within three years after the passage of this act; otherwise the same shall become and be null and void. Forfeiture of
charter.

Approved, 17th January, 1846.

To incorporate the Town of Geneva, in Coffee county.

Corporate
limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Geneva, in the county of Coffee, be, and the same is hereby incorporated; and the corporate limits of said town shall embrace an area of land, the marginal lines of which shall be distinguished by the following boundary, to wit: commencing at the junction of Pea river with the Choctawhatchie, thence up said river to Geneva creek, thence up said creek one mile, thence to a point on Pea river, one mile above its confluence with the Choctawhatchie, and thence down said Pea river, to its junction with the Choctawhatchie river.

Elections,
when held.

Sec. 2. *And be it further enacted,* That an election shall be held in the said town of Geneva, on the second Saturday in March next, and on the succeeding year thereafter, to commence at twelve o'clock noon, and close at four o'clock in the evening, for the purpose of electing an intendant and six councilors, inhabitants of said town; who shall serve for the term of one year, and until their successors are duly elected and qualified; which election shall be held by some justice of the peace and any two freeholders of said town; and all subsequent elections shall be held and conducted by the intendant and any two councilors, and in the absence of the intendant, by a majority of the councilors, or by any three discreet householders, who shall be appointed by the intendant or a majority of the councilors for that purpose; and the said intendant and councilors shall be, and they are hereby declared and constituted a body politic and corporate, by the name and style of the Intendant and Councilors of the Town of Geneva; and by that name, they and their successor in office, shall be capable in law, of suing and being sued, of pleading and being impleaded in all manner of suits, whether in law or equity; and they shall have full power and authority to do and perform all acts incident to the powers granted to bodies corporate, and to purchase, hold, use, or dispose of, all personal or mixed property for the benefit of said town.

Name and
style.

Powers of
corporation.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to pass all by-laws and ordinances necessary to carry into effect the general powers granted by this act; and also such as may be necessary to preserve the health of said town; to prevent and remove nuisances; to suppress gaming of every description; to provide for licensing, taxing, regulating or restraining shows and exhibitions of every description; to fine for assault and battery, and the same to collect; and shall have all other powers necessary for the good government of said town, not inconsistent with the laws of this State.

Sec. 4. *And be it further enacted,* That when any vacancy

shall happen in the board of intendant and councilors, by death, resignation, or otherwise, such vacancy shall be filled by the board; and the member so chosen shall continue in office until the next election thereafter; and if any election should not be held as provided for in this act, then it shall be lawful to hold said election at any time within one month thereafter; and the board of intendant and councilors in office, anterior to every such election, shall not be dissolved until such election shall be held, and the intendant and councilors elected, duly qualified.

Vacancies,
how filled.

Sec. 5. *And be it further enacted,* That the intendant and councilors for said town, shall be ex officio a justice of the peace within the limits of said town, for the purpose of executing and carrying into effect the by-laws and ordinances of said corporation.

Councilors.

Sec. 6. *And be it further enacted,* That said intendant and councilors shall elect a clerk, treasurer and marshal; and shall have power to fix their salaries, the amount of their bonds, and remove the same from office for sufficient cause.

Officers.

Sec. 7. *And be it further enacted,* That said intendant and councilors, before they enter upon the duties of their office, shall take an oath before some justice of the peace, that they will faithfully discharge the duties to them committed, to the best of their ability.

To take oath.

Sec. 8. *And be it further enacted,* That said corporation shall have full power and authority, on the first day in April, in each year, to assess and collect a tax on all persons, property and subjects, on which a State tax is now imposed, not exceeding the present rates of State tax: *Provided,* every free male citizen who shall not pay a tax equal to one dollar on property, shall pay such poll tax as the corporation may impose.

Tax may be
levied.

Sec. 9. *And be it further enacted,* That all white male persons above the age of twenty-one years, who shall have resided within the limits of said town three months, immediately preceeding an election for intendant and councilors, shall be deemed qualified electors; and all persons within said corporate limits, liable by law to work on public roads, shall be liable and are hereby required to work on the streets, and alleys, and roads, within said corporate limits, not exceeding ten days in any one year: *Provided,* every such person shall be exempt from performing such work, by paying such street tax as the corporate authorities may impose.

Voters.

Proviso.

Sec. 10. *And be it further enacted,* That all persons residing within the limits of said town, shall be wholly exempt from working on roads, or performing road duty of any kind without the limits of said corporation.

Exempt from
working on
roads.

Sec. 11. *And be it further enacted,* That in all cases where any person or persons shall be convicted of offences against the ordinances of said town, and such person or persons, shall fail or

Penalty for
offences.

Proviso.

refuse to pay, or secure to be paid, the fine or fines imposed, it shall be lawful for a majority of the board of intendant and councilors to commit such offenders to the jail of said county, for any period not exceeding five days, unless such fine and cost be sooner paid; and the jailer of said county, shall receive and keep such offender or offenders in the jail of said county until he receives the certificate of the payment of such fines and and cost, from the intendant or clerk of said corporation: *Provided*, the corporation shall pay the jail fees in all cases, where they cannot be collected of the offender or offenders, which jail fees shall be same as now allowed by law.

Approved, 3d February, 1846.

[No. 92.]

AN ACT -

To amend An Act to incorporate the Alabama, Florida and Georgia Rail Road Company.

Time for com-
pletion of road
extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the said Alabama, Florida, and Georgia Rail Road Company, shall have until the first day of January, eighteen hundred and fifty-two, to complete their road from the city of Montgomery, in the State of Alabama, to the city of Pensacola, in the State of Florida.

Privileges
continued.

Sec. 2. *And be it further enacted*, That all the rights and privileges vested in said Company, by the act incorporating the same, approved, twelfth December, eighteen hundred and thirty-four, or by any subsequent act, or acts, amending the act incorporating said Company, be, and the same are hereby revived, and that the same shall be in full force and effect, until the first day of January, eighteen hundred and fifty-two.

Approved, 26th January, 1846.

[No. 93.]

AN ACT

To amend an act for the incorporation of the Catholic Charitable Female Society of Mobile.

Charter
amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act to incorporate the Catholic Charitable Female Society of Mobile, approved, fifth February, eighteen hundred and forty, be, and the same is hereby amended, so that the said Society may receive under its charge and direction those legitimate orphans in the city of Mobile and its vicinity, who are poor and destitute, under the age of ten years; and that for all

such children as may come under their charge and control, the said Society may apply to the Court of Commissioners of roads and revenue of said county, for such an allowance as the existing laws provide for in favor of such orphans, and it shall be the duty of said Court to grant the same.

Approved, 4th February, 1846.

[No. 94.]

AN ACT

Explanatory of An Act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* Explanatory. That nothing contained in An Act entitled An Act repealing the charter of the town of Ashville, in the county of St. Clair, approved, the twenty-second January, eighteen hundred and forty-five, shall be so construed as to exempt the citizens of said town from any species of taxation, upon themselves or their property for State and county purposes, to which they were subject before the passage of the above recited act.

Approved, 19th December, 1845.

[No. 95.]

AN ACT

To incorporate Farmers' Academy, in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* Declared body corporate. That Thomas Picket, Sr. Gardner Ford, Abraham Lawrence, Robert Picket, Sr. and William G. Ford, and their successors, be, and they are hereby constituted a body corporate, under the name and style of the Trustees of Farmers' Academy, in the county of Barbour.

Sec. 2. *And be it further enacted,* That the said trustees shall appoint one of their own body to preside as President; Powers of Trustees. shall have power to increase the number of their board from five, to any number not exceeding twelve, to fill all vacancies that may occur in the trusteeship, by death, resignation, or otherwise, and shall have power to make all such by-laws, for the regulation and government of said Academy, as they, or a majority of them, may deem necessary, and alter and amend the same at pleasure: *Provided,* such by-laws be not contrary to the laws or constitution of this State; and shall also have power to employ a suitable teacher or teachers, and to do all such things, and make all such contracts, as may be necessary to carry said Academy into complete operation. *Proviso.*

Sec. 3. *And be it further enacted,* That the said corporation, by its corporate name, shall be capable in law of suing,

Powers and
liabilities of
corporation.

and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to any amount not exceeding five thousand dollars, free and exempt from all taxation, so long as the same shall be used under the provisions of this act, and of selling and conveying the same, and shall have and enjoy all such privileges and powers, as are necessary to give full and complete effect to this act, according to its true meaning and intent.

Approved, 4th February, 1846.

[No. 96.]

AN ACT

To incorporate the Southern Rail Road Compay.

Names of
Commission-
ers.

Duties of.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Ezekiel Pickens, James M. Calhoun, Thornton B. Goldsby, Philip J. Weaver, Bartholomew Smith, Nicholas D. Coleman, and Alexander H. Arthur, be appointed Commissioners to cause books of subscription to be opened at such places and times, and under such superintendants as they may designate, for the subscription of stock in the Southern Rail Road Company, hereby incorporated, with an original capital stock of thirty thousand shares, of one hundred dollars each; which books shall be opened on the first Monday of May next, unless a different day be appointed by said Commissioners, and notice thereof be given by newspaper publications; said Commissioners likewise allotting the number of shares to be subscribed at each place, and said Commissioners are to meet at Selma, and any three of them to constitute a board for the transaction of business thereby confided.

Subscriptions
of stock, how
regulated and
paid.

Sec. 2. *And be it further enacted,* That said books of subscription shall be kept open forty days, and longer, if the shares allotted be not all subscribed. It shall not be lawful for any person, natural or artificial, to subscribe for more than twenty shares on any one day, for the first ten, after the books shall be opened, and the subscribers shall pay on the amount of their subscriptions in gold or silver, five per cent. at the time of subscribing; five per cent. in six months; five per cent. in eight months; five per cent. in ten months, after the organization of said Company, and the residue at such time, and in such instalments as the managers shall prescribe, not exceeding ten per cent. in any sixty days. At the expiration of forty days from opening the books of subscription as aforesaid, the superintendants shall respectively send to the Commissioners herein named, a list of subscribers and amounts. Whereupon, on estimate thereof, if the amount of stock allotted to any place be not taken, the books may be continued

open there for six months longer, if the managers so direct, and publish notice thereof in at least three newspapers near the route; and should an excess be subscribed at any point, they may transfer the same to any vacant stock, but if there be no vacancy, they shall make a deduction from the amount subscribed. In case, from any cause, subscriptions to a sufficient amount to organize said Company should not be made at the first opening of the books, the said Commissioners may cause the same to be re-opened on the same terms: *Provided*,^{Proviso.} that if the said Company be not organized within three years from the passage of this act, it shall cease and become null and void.

Sec. 3. *And be it further enacted*, That the superintendants at the several places shall make special deposits of the amounts of money by them received, in some convenient and safe place of deposit, and take certificates thereof, specifying the amount, and that the same is payable to said Rail Road Company when organized, one of said certificates to be forwarded to the Commissioners herein named, and the other to be retained by those making such deposits; and in case the said Company should fail to be organized, they shall, on production of said duplicates, receive the amount deposited, and distribute the same to the subscribers.^{Duty of Superintendants}

Sec. 4. *And be it further enacted*, That such persons as may become subscribers for the stock of said Company, their successors, and assigns shall be, and they are hereby created and made a body politic and corporate, by the name of the Southern Rail Road Company; and by that name shall have perpetual succession, and a common seal, with capacity to have, receive and enjoy to them and their successors, property and estate of whatever nature and quality, and the same to alien, transfer and dispose of, so far as may be necessary and proper to carry into effect the main object of this charter, which is hereby declared to be the construction, use and maintenance of the continuous line of Rail Road, contemplated and described by the act of the Congress of the United States, approved fourth September, eighteen hundred and forty-one, appropriating the two per cent. funds of Alabama and Mississippi, to wit: "From a point on the Chattahoochie river, opposite West Point, in Georgia, across the State of Alabama, in the direction of Jackson, in the State of Mississippi," to be extended also, in the latter State under its direction: *Provided*,^{Proviso.} that the said continuous line shall be made, if practicable, on fair and equal terms, by means of a connection with the Montgomery and West Point Rail Road Company; and as such body politic, the said Southern Rail Road Company, may contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend in all Courts whatsoever;^{Name and style of corporation.}^{Powers of.}

and may make by-laws for conducting the affairs of said Company: *Provided*, the same be not inconsistent with the laws of the land.

Meeting of
stockholders
to elect Man-
agers.

Manner of
voting, &c.

President.

Meetings of
Stockholders.

Sec. 5. *And be it further enacted*, That at the end of two months from opening the books of subscription, or as soon thereafter as convenient, the Commissioners shall give public notice of a meeting of subscribers at Selma, in newspapers published in Alabama and Mississippi for three weeks or more; at which meeting the subscribers shall elect nine Managers, each of whom must be a citizen of Alabama or Mississippi, and a stockholder in said Company. In taking said votes, and at all meetings of the stockholders, each shareholder, within an individual, firm or corporation, may vote as follows: for every share not exceeding ten, one vote; for every two shares above ten and not exceeding fifty, one vote; for every five shares above fifty, and not exceeding one hundred, one vote; for every ten shares above one hundred, one vote; but no person, corporation or copartnership, shall be entitled to more than one hundred votes. And no share or shares, after the first organization of the board, shall confer the right of voting, which shall not have been holden by subscription, actual transfer, or purchase, at least ninety days previous to such meeting or election, and the stockholders may vote by proxy; but no manager or officer of said Company shall hold proxies. Those nine having the highest number of votes, together with the managers, who may be appointed by the States of Alabama and Mississippi respectively, shall continue in office until their successors shall be chosen, and shall immediately choose, out of their own body, a President, and appoint such officers, and to do such acts as may be proper and lawful. The States of Alabama and Mississippi may each appoint one manager, and at least three of the other managers shall be resident citizens of each of said States respectively.

Sec. 6. *And be it further enacted*, That the meetings of Managers and shareholders of said Company shall be held at first, at the Town of Selma, Alabama, and afterwards, at such point on, or near the route of said Rail Road, within said States of Alabama or Mississippi, as the said Managers may direct; at which place so to be chosen, the regular elections of Managers shall be made on the first Monday in May, annually, or in case of failure, as a meeting can be called by the Managers, on two months public notice. The said meetings of shareholders may there act on any subject of interest to the Company, and may fix or limit salaries, or prescribe the action of the Managers, or give general directions as to the management of the affairs of the Company; and for any specified purposes, may be convened, by order of the Managers, on like published notice. The said Managers may likewise dispose of any vacant stock,

by suffering the same to be subscribed for at other times subsequent to that when the books for subscription shall be opened, as hereinbefore directed; and process against said Company may be executed by service on the President, if he be found in the State, and if not, then by service on any one of the Managers, and publication of notice of the institution of the suit in a newspaper published at the seat of Government.

Sec. 7. *And be it further enacted*, That the shares may be transferred under regulations to be made by the Managers, who may forfeit the same on non-payment of any amount due thereon, and may sell delinquent stock to pay such dues on giving twenty days notice. Dividends may be made semi-annually out of the net profits, in such amounts as the Managers may order, and said Company shall not in any shape exercise banking powers. Stock may be transferred.
Dividends.

Sec. 8. *And be it further enacted*, That the said Southern Rail Road Company may procure by purchase, gift, release, or otherwise, such lands or other property, as may be necessary for the site of said Rail Road, or its construction and convenient use, or for the erection and use of depots, warehouses, or other works connected therewith. May purchase lands, &c.

Sec. 9. *And be it further enacted*, That the said Company is invested with all the powers necessary for the construction, repair, use and maintenance of the said Rail Road, with as many tracks as may be deemed advisable, and with depots, turnouts, side tracks, &c., and is authorized to make all works whatever, which may be necessary or expedient for the proper completion and utility of said Rail Road. Powers vested in Company.

Sec. 10. *And be it further enacted*, That the said Company, their officers, servants and agents, shall have full power and authority, to enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out and construct the same, and to agree and contract for the land, or right of way, with the owners of the land, through which they may intend to make the said Rail Road. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such; or, in case of the same belonging to a minor, then with his or her guardian; or, in case the said lands be held by trustees of school sections, or other trustees of the estate, then with such trustees; and the said executors, administrators, guardians and trustees, are hereby declared competent, for such estate, or minors, to contract with the said Company, for the right to use, occupy and possess the lands of such estates, minors, or trustees, so far as may be necessary or useful to the purposes of said Rail Road; and the act and deed of said executors, administrators, guardians, or trustees in relation thereto, shall pass the title in and to said land, in the same manner, as if the said deed, or act were made or done by a legal May enter land for construction of road.
Lands, &c. how paid for.

owner of full age; and such executor, administrator, guardian or trustee, shall account to those interested, upon their respective bonds, for the amount paid him in pursuance of such an agreement and composition; and if the said Company, and parties representing said lands, prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms.

When parties disagree, &c. how value to be assessed.

Sec. 11. *And be it further enacted*, That if the said Company cannot agree with the owner of the land through which they desire said road to pass, or with the executor, administrator, guardian, or trustees aforesaid, it shall, and may be lawful, for the clerk of the Circuit Court in the county in which such lands lie, on the application of said Company, or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff, that without delay, he cause a jury of twelve good and lawful men to be upon such land, on a day to be by the said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, or trustee, at least five days before such day, if they be within his county; or if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff, posted and fixed at the dwelling house, if such there be, or on a public and conspicuous part of said land, at least five days before such appointed day, and also, by advertising the same in some newspaper published near the land, at least three weeks, by weekly insertions, prior to said day. and then and there cause such jury, after being duly sworn by said sheriff, or some justice of the peace, to make true inquest of the damages suffered by such owner or estate, by reason of such making of said road through the land, after making fair allowance and estimate of the increased value of said land, by reason of making of said Rail Road. If any such jurors fail to appear, or by reason of challenge for cause, or otherwise fail to sit, on said inquest, the sheriff shall fill the said jury from the by-standers, and if they fail to render a verdict, the sheriff shall again, on the same, or a subsequent day, impanel a new jury, or jurors, until a verdict be had; which verdict and inquest regularly certified by said sheriff, shall be returned into the office of the clerk of the Circuit Court of the county in which such lands lie, and there remain among the records; and the said inquest shall vest in said Company the right to occupy and use such land for the purposes of said Rail Road, on the payment, or tender of payment of the damages therein assessed against said Company; and in case of persons absent or unknown, as aforesaid, the placing of the amount of said damages to the credit of the owner, in the hands of the Judge of the County Court of the county where such land may lie, shall be deemed and taken as payment, and such

Judges shall be liable on their bonds, to make due payment of the said money so deposited, on demand thereof.

Sec. 12. *And be it further enacted*, That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid; in which case thirty days shall be allowed him, and five days in addition are allowed him for every additional jury which he may have under said writ; and for every default therein, the said sheriff shall be fined by the Circuit Court, at the instance of either party, not less than twenty, nor more than one hundred dollars; every any juror summoned shall be fined not less than ten dollars for non-attendance; of all such fines, as well as costs, the Circuit Court of the county shall have jurisdiction; there shall be allowed the following fees: to the clerk of the Court for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquest, seventy-five cents; to the sheriff for giving notice, seventy-five cents; besides printer's fees, not exceeding two dollars in each case; for holding inquest, five dollars; and for summoning witnesses, seventy-five cents each; to jurors each, seventy-five cents per diem; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by the said company: *Provided however*, that before the application of said writ, the said company may tender to the owner or owners, &c., of any such lands, a sum of money by them deemed equivalent to the damage to be sustained; and upon refusal to accept the sum tendered, and a verdict for the same amount, or a less sum, the costs shall be taxed to, and paid by the same owner or owners of the land, upon which inquest is held.

Duty of sheriff.

Liability of.

Fees of clerks and sheriffs.

Proviso.

Sec. 13. *And be it further enacted*, That the said company for the purpose of making the said Rail Road, or repairing or changing it afterwards, shall have the same right of entry on adjacent lands, and to cut, quarry, dig, take and carry away, any stone, wood, gravel, earth, or other material which may be necessary, as is before provided as to the right of way: *Provided however*, that in all cases, the said company shall make compensation to the owners, &c., as agreed on, in manner hereinbefore provided for.

Right of entry on lands, &c.

Proviso.

Sec. 14. *And be it further enacted*, That the said company may agree and contract for lands necessary for depots, or other purposes, or condemn the same in like manner, and by like proceedings as hereinbefore provided for, the lands on the route of the road.

May contract for lands.

Sec. 15. *And be it further enacted*, That the said company shall have the right of way over, and the right to use materials, on any part of the land belonging to the State, over which the line of the Rail Road of the said company may pass.

Right of way.

Right reserv-
ed by State.

Proviso.

Company not
to obstruct
roads, &c.

Property vest-
ed in share-
holders.

May exact
toll, &c.

Proviso.

Lands, when
taxed.

Company
may contract
with other
roads, &c.

Sec. 16. *And be it further enacted*, That the State of Alabama reserves the privilege within its limits, to construct, or by charter of incorporation or otherwise, to authorize the construction of branch roads, running to the said road, or roads intersecting the same, and to unite therewith; and the said company is likewise authorized, as soon as the said Rail Road herein designated, shall have been completed in said State, but not before, to make such branch roads uniting with the main line thereof, and with like provisions as to the said branch roads, as are made in this act, in regard to the main line: *Provided however*, that this section shall not authorize any interference with rights that are or may be vested in pursuance of law.

Sec. 17. *And be it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct their Rail Road, as not to impede the passage of such established roads or ways; and if bridges be erected for said Rail Road, over any navigable water course, the same shall be so made as not to obstruct the navigation of said water courses.

Sec. 18. *And be it further enacted*, That all lands, rights, machines, vehicles, carriages, and works, and property of every description, belonging to said company, and all profits which may accrue from the same, shall be vested in the respective share holders of said company forever, in proportion to their respective shares.

Sec. 19. *And be it further enacted*, That the said company are invested with the powers of exacting and demanding, such tolls for transportation of property or persons, as they may require: *Provided*, that a tariff of tolls shall be annually established, and published at each depot, for the information of the public, and such tariff shall not be changed oftener than once in each year: *And provided also*, that said tolls shall not yield a net revenue on the capital invested, exceeding twenty-five per cent. per annum.

Sec. 20. *And be it further enacted*, That whenever any portion of said road shall be completed, and brought into actual use in this State, and not before, such portion may be taxed at the same per centage, and no more upon the capital expended in the construction thereof, as lands in this State shall be taxed.

Sec. 21. *And be it further enacted*, That the said company shall have power to contract for the Montgomery and West Point Rail Road and its incidents, or with any Rail Road connected with that herein provided for, on such terms of purchase as may be agreed on by the owners, and with the assent of the proper authorities; and such acquired road, shall in such case, become subject to the provisions of this act; said company may likewise contract with any connected Rail Road for mutual

and equal rates of transportation, and for mutual assistance and service in the same; and may likewise contract with the United States, or with such connected Roads, or both, for mail and military transportation on said connected lines of Rail Roads.

Sec. 22 *And be it further enacted*, That the State of Mississippi shall be allowed to invest at par, in said stock the two per cent. fund appropriated to said State by act of Congress, and to be applied to the extension of said Rail Road from the Alabama line towards Brandon: *Provided*, that the same be done in the year eighteen hundred and forty-six. The State of Alabama agrees to invest in said company, on equitable terms, to be hereafter agreed on, the proceeds of any public lands which may be granted by Congress in aid of said work; and like investments of such granted land may be made by the State of Mississippi, out of the public lands which may be granted to her by Congress as aforesaid: *Provided however*, that all the investments in said company which may be made by the State of Alabama, or by her citizens, shall be first applied to the completion of said Rail Road within said State; and the State of Mississippi may by legislative act, adopting this charter, reserve a similar right to have expended within her own limits, such means as may be contributed by her, or her citizens.

Mississippi may invest 2 per cent fund.

Proviso.

Proviso.

Sec. 23 *And be it further enacted*, That the company provided for in this act shall not be organized until the subscriptions of stock shall amount to at least a half million of dollars.

When organized.

Approved, 5th January, 1846.

[No. 97.]

AN ACT

To amend An Act to incorporate a Company of Artillery in the Town of Greensboro'.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that the Greensboro' Light Artillery Guards, be, and they are hereby authorized and empowered in such manner, as they may prescribe by their by-laws, to elect from their corps, a collector for said company.

Authorized to elect a tax collector.

Sec. 2. *And be it further enacted*, That such collector be, and he is hereby made liable in the same manner for any default, neglect, or failure to perform his duties, under the same penalties as are like officers, on motion, or suggestion of the Captain, or commanding officer of said company, before some acting justice of the peace, in the town of Greensboro'.

Liability of.

Approved, 26th January, 1846.

[No. 98.]

AN ACT

To incorporate the Compromise Academy, in Lowndes county.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William B. Winter, Henry B. McDonald, Edward Dudley, Samuel D. Crum, Joseph Soles, William Cox, and Sylvester Corlew, and their successors in office, are hereby established a body corporate, by the name of the President and Trustees of the Compromise Academy, near Farmersville, in Lowndes county; and by that name shall have power to receive donations, borrow money, purchase, have, and hold real estate, not exceeding the sum of twenty thousand dollars; to sue and be sued, plead and be impleaded, and to recover all debts that may be due, owing, or belonging to said institution, as the property thereof.

Vacancies.

Sec. 2. *And be it further enacted,* That said trustees shall have power to fill vacancies in the board of trustees, to appoint a president, secretary, and treasurer, and to prescribe such by-laws and regulations as may conduce to the good order and well being of said institution.

Approved, 23d January, 1846.

[No. 99.]

AN ACT

To amend the charter of the Town of Athens.

Corporate
limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the territorial limits of the corporation of the town of Athens, in Limestone county, be, and the same are hereby so extended as to embrace an area of one square mile, of which the court house in said town shall be the centre, and of which the southern boundary shall be a line running east and west.

Elections,
when held.

Sec. 2. *And be it further enacted,* That the regular day for the corporation election, shall be the fourth Monday, annually, in January, instead of the first as heretofore; and said election shall be conducted in the same manner as heretofore provided.

Officers of
corporation.

Sec. 3. *And be it further enacted,* That the corporate council of said town shall hereafter consist of a Mayor and eight Aldermen, who shall severally be elected by the qualified voters within the limits of said incorporation.

Wards.

Sec. 4. *And be it further enacted,* That it shall be the duty of the mayor and aldermen, during the year eighteen hundred and forty-six, to lay off said town into four permanent wards, as nearly equal as may be; after which, at all elections, two of the qualified residents of each ward, shall be elected aldermen and no more; and when any alderman shall remove

from the ward for which he may have been elected, his seat shall thereby be vacated, and the mayor and aldermen remaining in office, shall proceed to fill his place in the manner heretofore provided for.

Sec. 5. *And be it further enacted*, That so much of the present charter of said incorporation as conflicts with the provisions of this act, be, and the same are hereby repealed.

Approved, 16th December, 1845.

[No. 100.]

AN ACT

To incorporate the Eufaula Bar Association.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That for the purpose of mutual improvement, of forming and preserving a full and well regulated library, in the town of Eufaula, Jefferson Butler, and his associates, and their successors, and they are hereby declared a body corporate, and they may keep a record of their proceedings; and said society may keep a record of their proceedings by laws, process, and proceedings; and for the purpose of the keeping of its books, the discipline of its members, the preservation of comfort and order in the library, they may impose, determine, and collect such penalties and fines as may be allowed by its constitution, and be read and proper to such object: *Provided*, the society organize under this act, (or being organized, accept the privileges thereof,) within two years from its passage: *And provided*, nothing shall be done contrary to the laws of the State; and this charter may at any time be modified or revoked.

Declared body corporate.

Proviso.

Approved, 3d February, 1846.

[No. 101.]

AN ACT

To incorporate the Dallas Masonic Academy in the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Matt. Gayle, Charles G. Edwards, John Dudley, Willis Carr, Wm. Waddell, Thos. K. Kornegay, Wm. D. Marsh, and John D. Adams, and their successors, be, and they are hereby constituted a body corporate, under the name and style of the Dallas Masonic Academy.

Incorporated.

Sec. 2. *And be it further enacted*, That the said Trustees shall appoint one of their own body to act as president; shall

Powers of
trustees.

have power to fill all vacancies that may occur in the trusteeship, by death, resignation, removal, or otherwise; and shall have authority to make all such by-laws for the regulation and good government of said Academy, as they or a majority of them may deem necessary, and alter or amend the same as they may deem proper: *Provided*, such by-laws are compatible with the constitution of the State of Alabama and the constitution of the United States; to employ a suitable teacher or teachers, and to make all such contracts as may be necessary to carry said Academy into complete operation.

Proviso.

Powers and
liabilities of
corporation.

Sec. 3. *And be it further enacted*, That the said corporation by its corporate name, shall be capable in law, of suing and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to any amount not exceeding twenty thousand dollars, and of selling and conveying the same; and shall have and enjoy all such privileges and powers as are necessary to give full and complete effect to this act, according to its true meaning and intent; and to fix the place at which said Academy shall be located.

Approved, 13th January, 1846.

[No. 102.]

AN ACT

To incorporate Prattville Manufacturing Company, Number One, in Autauga County.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Daniel Pratt, James Allen, Jesse P. Parham, of Autauga county, their associates and successors, be, and they are hereby declared a body corporate, under the name and style of Prattville Manufacturing Company, Number One; and by that name they shall be liable to sue and be sued, may plead and be impleaded, in all manner of suits, both in law and in equity; may have and keep a common seal, and the same break, alter, or amend at pleasure; and in short, shall have power to do all acts incident to bodies corporate; and may purchase, hold, and dispose of, for the benefit of said company, property, real, personal or mixed, to the amount of three hundred thousand dollars.

Powers of in-
corporation.

Sec. 2. *And be it further enacted*, That the said Prattville Manufacturing Company, Number One, shall have power to appoint and prescribe the names and respective duties of its officers, and may adopt such a constitution and by-laws for its own government as its members may deem proper, not inconsistent with or repugnant to the constitution of the United States, and of the State of Alabama: *Provided*, that the provisions of this act shall remain in force for thirty years and no longer: *Provi-*

Proviso.

ded, that nothing herein contained shall be so construed as to give said company, any other powers, than those which belong to the manufacturing business.

Approved, 13th January, 1846.

[No. 103.]

AN ACT

To amend An Act to incorporate the Town of Hayneville, approved December fifteenth, eighteen hundred and thirty-one.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* amended. Elections,
That from and after the passage of this act, the election of Councilors for the said town of Hayneville, shall be held on the second Monday in January, in each and every succeeding year.

Sec. 2. *And be it further enacted,* That so much of an act to incorporate the Town of Hayneville, approved December the fifteenth, eighteen hundred and thirty-one, as comes in conflict with the provisions of this act, be, and the same is hereby repealed. Repeal.

Approved, 16th December, 1845.

[No. 104.]

AN ACT

To incorporate the Talladega Volunteers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
That such persons as have enrolled themselves for the purpose of forming a Volunteer Company in the county of Talladega, known by the name and style of the Talladega Volunteers, together with their successors, be, and they are hereby made and declared a body politic and corporate, with the usual powers incident and common to bodies corporate; said company to consist of not less than forty, nor more than eighty members, besides commissioned officers; which shall consist of a captain, two lieutenants, one ensign, and such non-commissioned officers as said company may think necessary to appoint. Name and style.
Number of members, &c.

Sec. 2. *And be it further enacted,* That it shall be the duty of said company to uniform and equip themselves fully and completely in some suitable and proper uniform, to be by them selected; and it shall be the duty of the said company, and they are hereby required, to muster at least eight times a year, and oftener, if they shall think proper. Company to equip, muster, &c.

Sec. 3. *And be it further enacted,* That the said Volunteer Company shall be wholly free and exempt from the order, control, or direction of the colonel commandant of the regiment in

Exemptions of company. which said company, or any member of it, may be, and of all the officers of the militia of this State, except when called into actual service; and the captain of said company shall be compelled to return the strength of said company annually to the Adjutant and Inspector General of the State; also that the members of said company be exempt from performing road or street duty, and from serving on juries: *Provided*, nothing herein contained shall be construed so as to allow the privileges of this act to apply to or be enjoyed by honorary members, or those who do not perform militia duty in said company.

Proviso.

By-Laws.

Proviso.

Sec. 4. *And be it further enacted*, That said company shall have power to pass such by-laws, as shall be necessary for the good government of said company; and all fines and forfeitures levied and collected by said company from any of its officers or members, under such by-laws and regulations as the company may adopt, shall belong exclusively to said company, to be by them appropriated as they may think proper: *Provided*, the Legislature may at any time amend, annul or repeal this act.

Approved, 29th January, 1846.

[No. 105]

AN ACT

To incorporate the Rock Island Manufacturing Company.

Name and style.

Powers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Van Leonard, Robert S. Hardaway, John Fountain, E. B. W. Spivey, Thomas Morress, H. W. Crew, and their associates, be, and they are hereby constituted a body corporate and politic, by the name and style of the Rock Island Manufacturing Company, for the purpose of manufacturing cotton, hemp, wool, or any other material; and by that name and style, may sue and be sued, answer and be answered unto, in any Court of law or equity, and may have and use a common seal, and the same to alter and amend at pleasure; and may have and hold real and personal property to any extent necessary to carry on their business advantageously, with power to make such rules, by-laws and regulations, for the good government of said company as may not be inconsistent with the constitution of this State, or the United States.

Capital stock limited.

Sec. 2. *And be it further enacted*, That the capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, for which books may be opened, at such time and place, or such times and places, as the parties may select. The company not to be considered organized until the sum of twenty-five thousand dollars is subscribed to said stock.

Sec. 3. *And be it further enacted*, That the stock of said

company shall be taken and deemed as personal property, and may be transferred and used as such: *Provided nevertheless*, that nothing herein contained shall authorize the exercise of banking privileges by said company.

Approved, 17th January, 1846.

[No. 106.]

AN ACT

To incorporate the Gainesville Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John C. Whitsett, William Jones, Jr., and such other their associates and successors as shall become stockholders in the company hereby incorporated, shall be, and they are hereby constituted a body corporate and politic, under the name and style of the Gainesville Manufacturing Company, for the purpose of manufacturing cotton and wool, or other material, and for doing and transacting all such business in connection therewith, as may be of advantage; and by that name and style may sue and be sued, answer and be answered unto, and recover and be recovered against; and may have and use a common seal, and the same may alter, amend, or break at pleasure, and without seal may act; and may have and hold property, real and personal, and mixed, of any kind, and to any extent advantageous in carrying on the said business; and the same to sell, dispose of and convey, and other again to purchase, and the proceeds to reinvest and employ; with power to make and adopt such rules, by-laws and regulations for the government of said corporation, and the transaction of its business, not inconsistent with the laws and constitution of this State, or of the United States, as shall be deemed advisable: *Provided*, that nothing in this act shall be construed to confer banking powers, nor shall said corporation have, or exercise such powers.

Declared bo-
dy corporate.

Name and
style.

Powers.

Proviso.

Sec. 2. *And be further enacted*, That the capital stock of said company shall not exceed the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed for at such time and place, and under such general regulations as the said Whitsett and Jones shall appoint: *Provided*, that the rules and regulations apply equally to all subscribers; and said company shall not proceed to organize by the choice of officers, until at least twenty thousand dollars of the capital stock is subscribed; nor shall said company proceed to operations until that sum, at least, is paid in upon stock subscribed.

Capital stock.

Proviso.

Sec. 3. *And be it further enacted*. That the stockholders shall, and may, from their own number, elect five trustees,

Elections to
be held for of-
ficers.

who shall elect one of their own number president of the board, and also a clerk; and said stockholders shall also elect a secretary and treasurer; and the said president and trustees, secretary and treasurer shall hold their offices one year from the time of their election, and until others shall be elected in their places, unless a vacancy shall occur by reason of death, resignation, or removal, or the office be forfeited under the by-laws of said company; in which case, the vacancy may be supplied until the next general election, by vote of the trustees, or of the remaining trustees; and the stockholders shall be entitled to one vote on each share, and in case of personal absence may vote by proxy thereto empowered in writing; but no stockholder shall be entitled to more than one hundred votes; nor shall a stockholder, at any election after the first, be entitled to vote on shares which he has acquired within sixty days next before the election.

President and
Directors.

Sec. 4. *And be it further enacted*, That the president and directors shall have the general direction, management and control of the business and affairs of said company; but in subjection to the by-laws and regulations imposed by the stockholders; and a majority of said board shall form a quorum for the transaction of business. And said president and directors shall have power to appoint, employ and contract with all necessary agents for carrying on and advancing the business of the concern, and to point out and designate their duties, subject to any rules and regulations adopted by the stockholders; and to take and require from any officer, or agent, security for the faithful discharge of his duty, and with any condition which may be necessary to protect the company.

Stock trans-
ferable, &c.

Proviso.

Sec. 5. *And be it further enacted*, That the president shall issue certificates of stock to the stockholders, under seal, which shall be assignable on the stock book, or by assignment on the certificate: *Provided*, that no such certificate shall be issued for stock on which there is any assessment in arrear and unpaid; nor shall any assignment be valid to transfer any stock, where the stockholder is indebted in any way, to the said company. And whenever any stockholder shall fail to pay any assessment made upon his stock on request, the said company may proceed and sell said stock at public auction, on twenty days notice, published in any newspaper printed in Sumter county; and the purchaser shall become invested with all the rights and interest which said delinquent stockholder had by reason of his said stock. And said company may also have an action before the Circuit or County Court of said county, or before a justice of the peace in said county, where the sum demanded does not exceed fifty dollars, to recover any assessments or arrears upon stock subscribed for; and the Courts of said county shall have jurisdiction, and such suits may be prosecuted therein, although

the delinquent stockholders are resident freeholders in other counties.

Sec. 6. *And be it further enacted*, That the annual meeting of stockholders, and for election of officers, shall be held on the last Monday in December in each year, or at such other time and under such regulations as the stockholders, at a general meeting shall appoint; and a meeting of the stockholders shall be called at any time, on a requisition signed by the owners of one-third of the whole stock. Meetings of Company.

Approved, 3d February, 1846.

[No. 107.]

AN ACT

To incorporate the Madison Guards, in the County of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the volunteer company in the county of Madison, known as the Madison Guards, be, and they are hereby incorporated and made a body corporate, by the name and style of the Madison Guards; and by that name shall be, and are hereby made capable in law to have a perpetuity by succession; to sue and be sued, to plead and be impleaded, to defend and be defended, in any Court of law or equity, in this State, and to have generally all rights, powers, and privileges, incident to bodies corporate, not contrary to the constitution and laws of the State. Name and style.

Sec. 2. *And be it further enacted*, That said company shall be governed by such constitution and by-laws as have been already enacted by them: *Provided*, they are not inconsistent with the constitution of this State, or of the United States; and shall have power and authority to pass such further ordinances and by-laws for the regulation and good government of said company as to them may seem proper; subject always to the proviso in this section mentioned. Government of company.
Proviso.

Sec. 3. *And be it further enacted*, That said company shall consist of not less than forty, nor more than one hundred members, exclusive of officers commissioned; and the officers of said company, shall be a captain, lieutenant, ensign, and color-bearer, and such other non-commissioned officers as may seem necessary. Number of members, &c

Sec. 4. *And be it further enacted*, That said company shall have at least six company drills in each year, and be at all times equiped and prepared for actual service; and shall be exempt from duty in the militia, save at regimental and brigade drills; and the captain of said company shall make regular returns of the condition and strength of said company, to the proper officer. Drilling, &c. of company.

Sec. 5. *And be it further enacted*, That each member of said company shall be wholly exempt from serving on juries and working on public roads or streets.

Approved, 3d February, 1846.

[No. 108.]

AN ACT

To alter and amend the Acts incorporating the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fifth and seventh sections of an act entitled An Act to enable the corporate authorities of the City of Mobile to provide for the security and payment of the debts of said city, and for other purposes, approved the eleventh of February, eighteen hundred and forty-three, be, and the same are hereby so altered and amended, as to empower and authorize the corporate authorities aforesaid, to assess and collect a license tax from all persons (mechanics carrying on their trades or journey work excepted) trading or carrying on any business, trade, or profession, within the limits of said City; and the assessment to such person or persons of a tax on real or personal estate, shall not be an exemption from the payment of said license tax; and the said license tax shall be assessed in three grades; of which the first shall not exceed twenty dollars, and the second shall not exceed ten dollars, and the third shall not exceed five dollars; and the same proportions shall be observed for any less sums, to be fixed from time to time by ordinance of the corporate authorities of said city, and shall be assessed when duly authorized by such ordinance, by the assessor or assessors of city taxes, according to their best judgment; with a just regard to the extent, amount, and profits of the trade, business, or profession, of the person so assessed; and no person engaged in the retail trade only, shall be assessed to pay a license tax under this act, exceeding the third grade aforesaid; nor shall any person be assessed under the same to pay more than one of said grades in any one year: *Provided nevertheless*, that nothing in this act shall be construed to apply to, or affect licenses granted, or which may be granted to retailers of liquors, keepers of taverns, billiard tables, nine or ten pin alleys, circus or other theatrical exhibitions, or other exhibitions for public amusement.

Sec. 2. *And be it further enacted*, That in all cases in which assessors for city taxes for the city of Mobile, are, or shall be, authorized by law to assess the value of real or personal estate in said city, the only rule of appraisement shall be the cash value of the property so assessed; and the assessor or assessors shall in all such cases of assessment, make oath or affirmation before the mayor of said city, or some lawfully qualified justice

Charter
amended.

Corporation
authorized to
tax traders,
&c.

Proviso.

Assessors to
appraise at
cash value.

of the peace, that he or they, the said assessor or assessors, have valued and set in the tax list the property so assessed by him or them, according to their best judgment, at its value in money at the time of the assessment; which oath or affirmation shall be written at the end of every such assessment list, and shall be subscribed by each and every assessor making such assessment.

Sec. 3. *And be it further enacted*, That the forty-eighth section of an act, entitled An Act to consolidate the several Repeal. acts of incorporation of the City of Mobile, and to alter and amend the same, approved January fifteenth, eighteen hundred and forty-four, and all other acts coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, 16th December, 1845.

[No. 109.]

AN ACT

To incorporate a Female Academy in Tuskegee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That N. M. Hentz, N. W. Cocke, William Ausley, W. F. Hodnett, E. W. Jones, William Hora, A. V. Brumby, and their associates, be, and they are hereby constituted a body corporate, by the name and style of the Tuskegee Female Institute; and by that name shall have full power and authority to have and to use a common seal, and the same to break, alter, or amend at pleasure, to sue and be sued, to receive subscription for stocks and gifts and donations, and to make purchase of real and personal estate, which shall enure to them and their successors forever, and to sell and dispose of the same when it may be deemed expedient: *Provided*, the same do not exceed the value of twenty-five thousand dollars; and to grant certificates or diplomas, or such other evidences of scholarship as they may prescribe; and further to pass such by-laws, rules and regulations, as the said corporation may deem essential for the government of the same: *Provided*, that such by-laws, rules, and regulations, be not repugnant to the laws and constitution of this State, or those of the United States.

Sec. 2. *And be it further enacted*, That the said persons above named, and their associates, and their successors, shall have power to establish and continue in the town of Tuskegee, Macon county, a Female Seminary, under such rules, regulations, and conditions, as may be deemed necessary by them, under the power that has been, or may be, granted to them by the stockholders in said institute, and to do any and all such acts as other incorporated literary institutions of this State may lawfully do.

Sec. 3. *And be it further enacted*, That said persons above named, shall elect a board of trustees, and such other officers as

Officers.

may be necessary and desirable, for said institute ; and the board of trustees shall be elected, and vacancies in said board filled, at such time, and in such manner, as the stockholders may prescribe and direct.

Powers.

Sec. 4. *And be it further enacted*, That a majority of said board of trustees, shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid and binding as if the whole board were present.

Approved, 29th January, 1846.

[No. 110.]

AN ACT

To incorporate the Tuskinia Manufacturing Company.

Incorporated.

Name and style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Ebenezer Marvin, and all those who now are, or may hereafter become his associates, are hereby declared and constituted a body corporate in fact, and in name, by the name of the Tuskinia Manufacturing Company.

May purchase lands.

Sec. 2. *And be it further enacted*, That the company hereby incorporated, shall be capable of purchasing, holding, and conveying lands, tenements and hereditaments, and also personal property, including goods, chattles, and stocks, such as shall and may be necessary, to carry into effect the objects of said corporation as hereinafter set forth.

Powers of incorporation.

Sec. 3. *And be it further enacted*, That said company and their associates, shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in all the Courts of judicature of the State of Alabama, having jurisdiction of the subject matter in dispute; and of contracting and being contracted with, relative to all the business and purposes for which said corporation is created, as hereinafter stated; and that said corporation shall have a common seal, and may alter, destroy or renew the same at pleasure.

Business, how managed.

Sec. 4. *And be it further enacted*, That subscribers to the capital stock, as to the amount to be subscribed, as to what shall constitute a share, as to the time and place of subscribing, the amount to be paid on subscribing, the time when the remaining portion shall be paid in, and as to all regulations of said company so as to attain the objects of the same, shall be regulated and fixed by the said Ebenezer Marvin and his associates : *Provided however*, that all rules and regulations adopted by him and his associates, shall be general and operate on all subscribers alike; and each subscriber shall be liable in his, her or their private capacity for the amount of stock he, she, or they may own in said corporation, and may be sued for the same;

Proviso.

and the capital stock is hereby limited to, and shall never exceed five hundred thousand dollars.

Sec. 5. *And be it further enacted*, That the object for which this body corporate, in fact and in name is established, is to carry on and transact the business of manufacturing cotton or woolen goods of all descriptions, as well as of manufacturing any other material, whether of mineral or other substance, to which said company may deem it advantageous to apply any portion or the whole of their capital, or operative power within the State of Alabama.

Object of company.

Sec. 6. *And be it further enacted*, That so soon as the subscriptions of stock shall amount to a sum sufficient to justify the commencement of operations in the prosecution of this enterprise, (which shall be determined by said Marvin and his associates, as to the amount and the consequent expediency of making such commencement, and shall be set forth in their book of subscription for stock,) the stockholders subscribing the same are hereby authorized to elect five trustees, who shall manage the concerns and property of said corporation, one of which said trustees shall be elected president; and that trustees as aforesaid, shall be elected by the stockholders of said corporation annually, on the first Monday in January in each year, which said trustees shall annually elect one of their own body president.

Subscriptions of stock.

Election of trustees.

Sec. 7. *And be it further enacted*, That if any election of trustees, should not be made on the day appointed in this act, or on some other day to which the stockholders may have changed the time, the said corporation shall not for that cause be deemed and held to be dissolved, but it shall and may be lawful on any other day to hold and make an election of trustees, in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Provision in case of failure

Sec. 8. *And be it further enacted*, That the stock of said corporation shall be assignable and transferable, according to such rules and regulations as said trustees shall establish; and no stockholder indebted to said company, either for subscription of stock or otherwise; shall be permitted to make a transfer of his stock, or receive a dividend on the same, until such debt be paid to the satisfaction of the trustees.

Stock transferable.

Sec. 9. *And be it further enacted*, That the books of said company shall be kept at such place as the trustees shall fix upon, for carrying into effect the objects of said corporation, subject to the inspection of all and every stockholder of said company, whenever they shall think proper to examine the same.

Books of company.

Sec. 10. *And be it further enacted*, That it shall be the duty of the trustees to call or appoint meetings, and notify the stockholders owning one third of the stock; and no meeting shall be competent to transact business, unless persons owning

Meetings.

collectively the majority of the stock, shall be present in person or by proxy.

Powers of
trustees.

Sec. 11. *And be it further enacted*, That the trustees for the time, or a majority of them shall form a quorum for the transaction of all business pertaining to this corporation, and shall have power to make all such by-laws, rules and ordinances, as to them shall appear needful and proper, touching the management and disposition of the property, money, estate and effects of said corporation; and they shall have power and authority to appoint and employ all such officers and servants, as they may think proper for the transaction of the business and concerns of said corporation; and to displace such officers and servants at pleasure: *Provided*, such by-laws and ordinances shall not conflict with the constitution of the State of Alabama, or any law now in existence, or which may hereafter be passed.

Proviso.

Books.

Sec. 12. *And be it further enacted*, That the trustees shall keep at all times, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the corporation, and they shall also keep a regular minute of the proceedings of all the meetings of said trustees, and of the stockholders, which book shall be at all times subject to the examination of persons owning stock in said corporation.

Division of
profits.

Sec. 13. *And be it further enacted*, That the trustees shall make such dividends of the profits of said company, as shall be ordered by a majority of the stockholders of said corporation at any time, and cause the same to be paid to the stockholders, or to whomsoever the profits may properly belong.

Banking priv-
ileges prohib-
ited.

Sec. 14. *And be it further enacted*, That this corporation shall not be privileged, or in any manner empowered to exercise banking powers.

Powers of
Company.

Sec. 15. *And be it further enacted*, That this corporation shall have power, and is hereby authorized, without further application to the Legislature of Alabama, for any enactment to that effect, to erect buildings, machinery, and such other works as may be necessary to carry into effect the objects of this corporation, at any point which they may fix upon for the same, on any water course in the State of Alabama: *Provided*, they shall first have secured by purchase or otherwise, the right of soil contiguous thereto, and the right to use such water power, so that they shall not thereby encroach upon the rights of any other persons: *And provided*, they shall not thereby obstruct the navigation of any such water course, to the detriment of the citizens of the State of Alabama.

Proviso.

Sec. 16. *And be it further enacted*, That the said corporation shall continue and have being, for the space of thirty years from and after the passage of this act.

Approved, 3d February, 1846.

[No. 111.]

AN ACT

To alter and amend An Act incorporating the Town of Girard,
in the County of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the act incorporating the town of Girard, in the county of Russell, approved on the tenth day of January, one thousand eight hundred and forty-four, be so amended that the corporate limits of said town of Girard, shall extend one mile and a quarter up and down the Chattahoochie river, (that is to say) three quarters of a mile north of Ridge street, and a half mile south of said street in the plan of said town, and one mile and a quarter from the west end of the Columbus bridge.

Charter
amended.

Sec. 2. *And be it further enacted,* That an election for intendant and councilmen shall be held by any two justices of the peace, or three freeholders of residents said town, on the second Monday in March next, or within three months thereafter, which election shall be annual after the first election of said officers.

Elections,
when held.

Sec. 3. *And be it further enacted: Provided always,* that the citizens of said town shall not be compelled to keep up the bridge across the Mill creek in said town of Girard.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 16th January, 1846.

[No. 112]

AN ACT

Incorporating the Male and Female Academies at Glennville,
Barbour County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be established in the county of Barbour, and village of Glennville, a male and female Academy, to be called and known as the Glennville Male and Female Academies, and that H. W. Jernigan, E. E. Du Bose, T. H. Mitchell, Randolph Mitchell, M. Glenn, William Freeman, and A. M. Sanford, and their successors in office, be, and they are hereby declared to be a body politic, and corporate, by the name and style of the Trustees of the Glennville Male and Female Academies; and as such shall be capable and liable in law, to sue and be sued, to plead and be impleaded, and shall be authorized to make such laws and regulations as shall be necessary for the government of said Academies: *Provided,* that such by laws and regulations are not repugnant to the

Declared be.
dy corporate.

Name and
style.

Proviso. constitution and laws of this State, and for that purpose may have and use a common seal, and appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

May hold property.

Sec. 2. *And be it further enacted*, That said trustees of body corporate, shall be privileged to accept of, and be invested with, all manner of property, real or personal, or mixed; also all donations, gifts, grants, and privileges, which may be hereafter made, or granted to the said institution, or which may be hereafter conveyed or transferred to them, or their successors in office, to have and hold the same for the use, benefit, and behalf of said Academies: *Provided*, the same shall not exceed twenty thousand dollars.

Proviso.

Vacancies.

Sec. 3. *And be it further enacted*, That when a vacancy may occur by death, resignation, or otherwise, of any of the trustees of said Academies, the survivors, or the residue of said trustees, shall fill the same in such manner as shall be pointed out by the by-laws and regulations of the said incorporation.

Property, how vested.

Sec. 4. *And be it further enacted*, That all property owned by said trustees, in their aforesaid corporate capacity, shall be vested with such body corporate in perpetuity, for the use of said Academies.

Spirituuous liquors prohibited.

Sec. 5. *And be it further enacted*, That it shall not be lawful for any individual or copartnership, to retail or vend ardent or intoxicating liquors within two miles of the Glennville Female Academy, as at present located; and any person or persons so offending, shall forfeit and pay the sum of five hundred dollars, recoverable before any court having competent jurisdiction thereof, one half to the prosecutor, and the other half to be paid into the county treasury.

Approved, 27th January, 1846.

[No. 113.]

AN ACT

To incorporate the Wetumpka Canal and Manufacturing Company.

Incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Albert J. Kidd, Williamson Bird, and Benjamin J. Kidd, and their associates, are hereby incorporated under the name of the Wetumpka Canal and Manufacturing Company.

Privileges of Corporation.

Sec. 2. *And be it further enacted*, That by said name the said company may contract, sue, and be sued, and may be privileged as an artificial person, to do all things necessary and proper for the establishment of a manufactory on the Coosa

river, either for the manufacture of cotton goods, iron, or other material, as may be found most advantageous.

Sec. 3. *And be it further enacted*, That the said company shall not be privileged, in carrying out the powers herein conferred, to build any dam, construct any canal, or erect any building, which may in any wise whatever, impede, obstruct, or interfere with the navigation of the said Coosa river, or any other navigable stream. Not to obstruct navigation.

Sec. 4. *And be it further enacted*, That the said company shall at once forfeit this charter, and all the privileges hereby conferred, if any time they either directly or indirectly attempt to exercise banking privileges, or issue bills, notes, or checks, designed to pass as money. Banking privileges prohibited.

Sec. 5. *And be it further enacted*, That the said corporation shall extend for the period of thirty years, and no longer: *Provided*, said company shall at no time have or hold property, real, personal, and mixed, over and above the value of five hundred thousand dollars.

Approved, 8th January, 1846.

[No. 114.]

AN ACT

To incorporate the Alabama Military and Scientific Institute, in the County of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the act of incorporation of the Alabama Military and Scientific Institution, at Eufaula, approved, fifteenth day of February, eighteen hundred and forty-three, be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted*, That Robert Dougherty, George W. Gunn, Green Wood, Robert A. Holt, Wm. Williams, J. H. Thomas, Batte Peterson, John McGae, Wm. Ansley, James Dent, Wm. Hora, C. A. Abercrombie, and C. H. Goldsborough, and their successors in office, shall be, and they are hereby established a body corporate, in deed, and in law, by the name and style The President and Trustees, and Superintendant and Commandant of the Alabama Military and Scientific Institute, of the County of Macon; and by that name shall have power to receive donations, borrow money, purchase, have and hold real and personal estate in perpetuity, and to sell the same, and to sue and be sued, plead and be impleaded, and to receive all debts that may become due, owing or belonging to said institution, as the property thereof: *Provided*, they shall not own, at any one time, more real estate than shall be of the value of one hundred thousand dollars. Name and style of corporation. Proviso.

Powers of
trustees.

Sec. 3. *And be it further enacted*, That the above named board of trustees and superintendant and commandant, shall have power to appoint and prescribe the duties of a President, Secretary and Treasurer, and such other officers, professors, directors, or visitors. and adopt such a constitution and by-laws, in pursuance thereof, not repugnant to this act, and the constitution of the United States, or of the State of Alabama, and to grant such rewards, and confer such diplomas, or honors on graduates, as they may deem expedient for the well being of said institution; and to have and use a common seal, and the same to break, alter or renew, at pleasure.

Vacancies,
how filled.

Sec. 4. *And be it further enacted*, That vacancies which may occur in the board of trustees from any cause, shall be filled by a majority of the remaining trustees.

Property ex-
empt from
taxation.

Sec. 5. *And be it further enacted*, That the lots owned, and buildings erected by said trustees, together with such other property as they may hereafter purchase, or become seized of, for the exclusive use of said institution, shall be exempt from all taxation whatever.

Sec. 6. *And be it further enacted*, That this act may at any time hereafter be modified or repealed.

Approved, 3d February, 1846.

[No. 115.]

AN ACT

To incorporate the Independent Rangers of Perry.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That such persons as have enrolled themselves for the purpose of forming a volunteer company, at Perryville, in the county of Perry, under the name and style of the Independent Rangers of Perry, together with their successors, be, and they are hereby made and declared a body politic and corporate, by the name and style of the Independent Rangers of Perry, with the usual powers incident and common to bodies corporate of this kind: *Provided*, said company shall at no time consist of less than thirty, nor more than one hundred members.

Company to
uniform and
equip.

Sec. 2. *And be it further enacted*, That it shall be the duty of said company, to uniform and equip themselves fully, and completely, in some suitable uniform, to be by them selected; and it shall be the duty of said company, and they are hereby authorized and required to muster at least six times in each year.

Exemptions.

Sec. 3. *And be it further enacted*, That said company shall be wholly free and exempt from the order, control, or direction of the colonel commandant of the regiment in

which said company, or any member thereof may be, and of all officers of the militia in this State, except when called into actual service; and the captain of said company shall be compelled to return the strength of said company, annually, to the Adjutant General of the State; also, that the members of said company be exempt from serving on juries.

Sec. 4. *And be it further enacted*, That said company shall have power to pass such by-laws as shall be necessary for the good government of said company; and all fines and forfeitures, levied and collected by said company, from any of its officers or members under such by-laws and regulations, as they may adopt, shall belong exclusively to said company, to be by them appropriated in such manner as they may think proper: *Provided*, the Legislature may at any time alter or repeal this act. By-Laws.

Approved, 19th January, 1846.

[No. 116.]

AN ACT

To incorporate Carter's Hill, in Montgomery County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Carter's Hill, in the county of Montgomery, be, and the same is hereby incorporated; and the limits of said incorporation shall be as follows, and embrace lots two, three, four, and five, west of Pike street; and also lots nine and ten, and the church lot, east of said street; lots seven and eight, north of Church street; and lots one and six, north of Cotoma and west of Market street; and the incorporated boundaries, shall extend as far as the limits of said lots, or one quarter of a mile in every direction, from the centre where said streets cross each other. Corporate limits.

Sec. 2. *And be it further enacted*, That John S. Carter, John P. Caffey, Pleasant W. Spear, and John Floyd, or a majority of them, be, and they are hereby appointed Commissioners for the organization of said town, whose duty it shall be to hold an election for five town Commissioners on the first Monday in March next. Names of Commissioners.

Sec. 3. *And be it further enacted*, That every free white male inhabitant, who, on the first day of March next, may reside in the limits of said town, and being over the age of twenty-one years, shall be entitled to vote in said election for town Commissioners; and that the five Commissioners as elected shall hold their office for twelve months, and elect from their own body, an Intendant, whose duty it shall be to preside over the meetings of said board. Elections, when held.

Powers of
corporation.

Sec. 4. *And be it further enacted*, That said Commissioners so elected, shall have power to fill all vacancies that may occur, by death, resignation, or removal; and to elect a secretary for the recording of all proceedings of said meetings, and a town marshal, whose duty it shall be to execute all process issued by said intendant.

By-Laws.

Sec. 5. *And be it further enacted*, That said Commissioners shall have power to pass all laws and ordinances for the better regulation of said town, not repugnant to the laws and constitution of the State of Alabama, or of the United States.

Approved, 29th January, 1846.

[No. 117.]

AN ACT

To incorporate the Town of Mount Meigs, in the County of Montgomery.

Declared bo-
dy corporate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Mount Meigs, in the county of Montgomery, be, and the same is hereby incorporated; and there shall be elected on the first Monday in March next, one intendant and five councilors for said town; and on the first Monday in March, annually, thereafter, an election shall be held for said officers.

Name and
style of corpo-
ration.

Powers of.

Sec. 2. *And be it further enacted*, That the name and style of said corporation shall be the Intendant and Councilmen of the Town of Mount Meigs; and by that name they may sue and be sued, plead and be impleaded, and may hold property, both real and personal, not exceeding five thousand dollars; and the same sell and dispose of in such manner as may be most beneficial to said town, and not inconsistent with the laws of the land.

Elections,
when held.

Sec. 3. *And be it further enacted*, That Charles S. Lucas, James H. Jenkins, Simeon Fuller, Alexander McDale, and William H. Lucas, or a majority of them, be, and they are hereby authorized to hold an election in said town, on the first Monday in March next, for an intendant and five councilmen; at which election, and every subsequent one, all persons shall vote who are qualified to vote for members of the General Assembly of this State; and in case a majority of the persons herein named, refuse, or fail to hold such election, then any other three persons, being citizens of said town, may hold the same.

Vacancies.

Sec. 4. *And be it further enacted*, That should any vacancy occur in said board of officers, it shall be the duty of the board to fill said vacancy, and annual elections shall be held by

the intendant and councilmen last in office, or a majority of them.

Sec. 5. *And be it further enacted*, That the boundaries of said corporation shall extend one mile from the Methodist Church, in each and every direction; and that the intendant and councilmen, or a majority of them, are hereby vested with full power to keep open the streets and alleys of said town; to preserve the peace and good order of the same; to fine for assaults and battery, in any sum not exceeding twenty-five dollars, and the same to collect; to keep the streets in repair; to prohibit the sale of ardent spirits within the incorporation; and may impose a fine not exceeding one hundred dollars for every violation of the by-laws, for the purpose of carrying the powers herein granted, into effect; and all other powers necessary for the good government of said town, not inconsistent with the laws of the State.

Corporate limits.

Powers of corporation.

Sec. 6. *And be it further enacted*, That the said intendant and council shall have power to levy a tax on the inhabitants and property of said town, to raise money for the government and management of the affairs of said incorporation; and that they shall on the day succeeding such election, or as soon thereafter as convenient, select by joint ballot, a clerk, treasurer, and town marshal, for said town; and it shall be the duty of said clerk to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to said marshal, whose duty it shall be to collect and pay over the same to the treasurer.

May levy tax.

Officers of

corporation.

Sec. 7. *And be it further enacted*, That said intendant and council shall have power to remove from office, the clerk, treasurer, and marshal, upon satisfactory reasons, and appoint others; and shall fix the salary of each of said officers, and take bonds for the faithful performance of their duty.

Officers may be removed.

Approved, 4th February, 1846.

[No. 118.]

AN ACT

To incorporate Prattville Male and Female Academy, in Autauga County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a male and female Academy is hereby incorporated at Prattville, in Autauga county, and that Daniel Pratt, Jesse P. Parham, their associates and successors, be, and they are hereby declared a body corporate, by the name and

Incorporated

Name and
style.

Powers and
liabilities of
corporation.

style of Prattville Male and Female Academy; and as such shall be capable and liable in law and equity, to sue and be sued, plead and be impleaded, and they shall be authorized to make all such by-laws as may be necessary for the government of said Academy, not inconsistent with, or repugnant to the constitution and laws of this State, or of the United States; they may have and keep a common seal, and the same change, break or alter at pleasure; and further they may appoint such officers as they may deem necessary, and remove the same.

Powers of.

Sec. 2. *And be it further enacted*, That the said body corporate, may buy, sell, or dispose of all manner of property, real or personal, and may also receive all donations, gifts, grants, privileges, and immunities whatsoever, which may be transferred to them, or their successors, for the use and benefit of said male and female Academy.

Spirituuous li-
quors prohibi-
ted.

Sec. 3. *And be it further enacted*, That it shall not be lawful for any person or persons, either with or without a license, to retail any whiskey, gin, rum, brandy or other kind of ardent spirits, within one mile of said male and female Academy, under a penalty of a fine of two hundred dollars for each offence.

Penalty for.

Sec. 4. *And be it further enacted*, That any person or persons violating the provisions of the third section of this act, shall be proceeded against by presentment of the grand jury, and trial before the Circuit Court of Autauga county; and the penalty shall be incurred as often as the provisions of said section are infringed.

Approved, 7th January, 1846.

[No. 119.]

AN ACT

To repeal An Act imposing restrictions on the City Council of the City of Montgomery, and for other purposes.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an act imposing restrictions upon the City Council of the city of Montgomery, approved on the third day of January, A. D. eighteen hundred and forty-five, be, and is hereby repealed.

Rate of taxes
at City
wharves.

Sec. 2. *And be it further enacted*, That the City Council of Montgomery, shall from and after the passage of this act, have full power to collect, demand and receive of, and from the owners or consignees of all goods which shall be landed on, or shipped from the Montgomery city wharf or wharves, landing or landings, such wharfage as said council shall from time to time deem necessary and proper, not exceeding the following rates, to wit: for each bale of cotton, eight cents; for

each barrel, five cents; for each sack of coffee, salt, or grain, three cents; for each hogshead or pipe, twenty cents; for each hundred weight of iron or other metal, two and a half cents; for all boxes, packages, and merchandise, by measurement, one cent per square foot; for each buggy or sulky, seventy five cents; for each carriage, one dollar; for each thousand feet of lumber, fifty cents; for each horse or cow, ten cents; for each sheep or hog, two and a half cents; for all steamboats, not exceeding two dollars per day, and all barges or flat boats, one dollar per day, they shall remain at said wharfs or landings.

Sec. 3. *And be it further enacted*, That the said city wharfs or landings, shall be located by said City Council on any lands belonging to said City Council on the eastern bank of the Alabama river, within the corporate limits of said City, public grounds or streets on said bank. Location of wharves.

Sec. 4. *And be it further enacted*, That Fleming Freeman, Powers, &c. his executors or assigns, shall full power to collect, demand, and receive of, and from owners and consignees of all goods and merchandise, which shall be landed or shipped from lots numbered one, two, and three in square thirty-five, on Lafayette street, and lot numbered nine, on Fulton street, the same rates of wharfage that are allowed by the second section of this act, or that may be assessed by the City Council, and by them received on the city wharf aforesaid: *Provided*, the said Fleming Freeman be the *bona fide* owner of the aforesaid lots. extended.

Sec. 5. *And be it further enacted*, That Charles T. Pollard, and his associates, owners of the Montgomery and West Point Rail Road Depot wharf, in the city of Montgomery, be, and they are hereby entitled to the immunities and privileges of the preceding section of this act.

Sec. 6. *And be it further enacted*, That nothing in this act shall be construed as to prejudice the rights of Francis M. Gilmer, jr. and his associates, contained in the act to incorporate the Planters' Wharf and Steam Boat company in the town of Montgomery, approved January the sixteenth, eighteen hundred and thirty-two. Construction of act.

Sec. 7. *And be it further enacted*, That all laws in any way contravening this act, or any part thereof, are hereby repealed.

Approved, 13th January, 1846.

[No. 120.]

AN ACT

To amend An Act incorporating the Town of Carrollton, in Pickens County.

Charter
amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section first of the above entitled act, be, and the same is hereby amended, by substituting after the word "land," the words "one half," for the words "three-fourths ;" that is to say, making the marginal lines of said corporate limits, one quarter, instead of three-eighths of a mile equidistant east, west, north and south, from the centre of the present court house of said town.

Repeal.

Sec. 2. *And be it further enacted,* That section fourth of said incorporate act be amended, by striking out the word "*Provided,*" and all thereafter of said section.

Streets.

Sec. 3. *And be it further enacted,* That the tenth section of said act be stricken out, and the following be inserted in its place: that all free white males within said corporate limits, between the ages of eighteen and forty-five, and all black male persons between the ages of sixteen and fifty, shall be liable, and are hereby required to work on the streets, roads and alleys of said town, not exceeding ten days in any one year: *Provided,* every such person shall be exempt from said work, by paying such street tax as the corporate authorities may impose, not exceeding five dollars per annum.

Proviso.

Approved, 5th January, 1846.

[No. 121.]

AN ACT

To incorporate the Town of Mooresville, in the County of Limestone.

Corporate
limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Mooresville, in the county of Limestone, be, and the same is hereby incorporated; and the territorial limits of said incorporation shall be bounded on the north by Lauderdale street, including the house, lot and walk of William K. Adams; on the east by a line running thirty-five yards east of Broad street; on the south, by a line running sixty yards south of Spring street, and on the west by the eastern branch of Piney creek.

Election of
officers.

Sec. 2. *And be it further enacted,* That an election shall be held within said incorporation, on the second Monday in February next, and biennially thereafter, for the election of a Mayor and four Aldermen, inhabitants of said town, who shall serve for the term of two years, and until their successors are duly elected and qualified; and if said election shall not take

place from any cause on the days above specified, it shall be lawful for the same to be holden one day within the next thirty: *Provided*, the officer holding the same shall give ten days notice thereof, by posting up the same at three or more public places in said incorporation.

Proviso.

Sec. 3. *And be it further enacted*, That the first election under this charter, shall be held by Caleb Collins, or such person as he may appoint, and all subsequent elections shall be held by such person, or persons, as said Mayor and Aldermen may appoint. The person holding such elections shall summons two or more inhabitants of said town to act as judges, and may appoint clerks; all of whom, shall, before some justice of the peace, take an oath faithfully and impartially to discharge the duties appertaining to the several stations in which they act; and at all such elections, all persons residing in said incorporation, shall be entitled to vote who are qualified to vote for members of the General Assembly.

Subsequent elections.

Sec. 4. *And be it further enacted*, That the name and style of said incorporation, shall be The Mayor and Aldermen of the Town of Mooresville; and by that name it may sue and be sued, plead and be impleaded, take and hold property, both real and personal, and the same sell and dispose of at pleasure, in any manner beneficial to said town, and not inconsistent with the laws of this State.

Name and style.

Sec. 5. *And be it further enacted*, That the said Mayor and Aldermen, first elected under this act, and their successors in office, shall, severally, before entering on the discharge of their duties, take and subscribe an oath before some justice of the peace, that they will faithfully discharge their respective duties as Mayor and Aldermen; a certificate of which oath shall be filed with the clerk of said board of Aldermen.

To take oath.

Sec. 6. *And be it further enacted*, That each board of Aldermen shall have the power to appoint, by ballot, a clerk, a treasurer, a tax collector, and a constable for the corporation, who shall severally take the same oath as the Aldermen, and give bond, to be approved by the Mayor, in such penalty as the board may prescribe, payable to said corporation, and conditioned for the faithful discharge of their respective duties; which bonds shall be filed with the board, and may be sued on as often, and whenever their respective conditions may be violated.

Officers.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Mayor to preside, when present, over the deliberations of the board, and in case of a tie, to give the casting vote; to try offenders under the by-laws of the corporation, and to see that peace and good order are maintained therein.

Mayor.

Sec. 8. *And be it further enacted*, That the Mayor and Aldermen shall have power to pass, and enforce all by-laws

Powers of
Board.

necessary, in their estimation, to the peace, good order, prosperity and happiness of said corporation, or the inhabitants thereof, and to attach to the same, such penalties as they may deem proper, not inconsistent with the constitution and laws of this State, or of the United States.

Streets.

Sec. 9. *And be it further enacted*, That all the streets of said town shall be kept in good repair, under such regulations as the board may prescribe; but no new street shall be opened, nor shall the inhabitants of said town be compelled to work on public roads without said corporation.

Tax may be
levied.

Sec. 10. *And be it further enacted*, That the Mayor and Aldermen shall have power to levy a tax on the inhabitants and property of said town, taxed by the State, to raise money for the use of the said incorporation: *Provided*, that the tax on grocery keepers shall not be heavier in proportion than that on the other inhabitants of said town.

Proviso.

Vacancies.

Sec. 11. *And be it further enacted*, That the Mayor and Aldermen shall have power to fill all vacancies in their own body; and to remove the other officers of the corporation, for good cause, and to fill their places.

Appeals.

Sec. 12. *And be it further enacted*, That from all decisions of the Mayor under the by-laws of said incorporation, an appeal shall lie to the Circuit or County Court.

Approved, 13th January, 1846.

[No. 122.]

AN ACT

To incorporate the Montgomery Riflemen, and for other purposes.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Volunteer Company of Riflemen in the city of Montgomery, be, and the same are hereby incorporated, and made and created a body politic, by the name and style of the Montgomery Riflemen; and by that name shall be, and are hereby made capable in law to have a perpetuity by succession; to sue and be sued, to plead and be impleaded, to defend and be defended, in any court of law or equity in this State, and to have, generally, all rights, powers and privileges incident to corporations, not contrary to the constitution and laws of the land.

By-Laws.

Sec. 2. *And be it further enacted*, That said Company shall be governed by such constitution and by-laws as have been already enacted by them: *Provided*, they are not inconsistent with the constitution and laws of this State, or of the United States, and shall have power and authority to pass such

Proviso.

further ordinances and by-laws for the regulation and good government of the Company, as they may think proper, subject always to the proviso in this section mentioned.

Sec. 3. *And be it further enacted*, That the said Company shall be wholly free and exempt from the order, control or direction of the colonel commandant of the regiment in which said Company, or any member of it may be, and of all other officers of the militia of this State, except when called into actual service; and the captain of the said Company shall make an annual return of its strength to the Adjutant General of the State. Government of Company.

Sec. 4. *And be it further enacted*, That said Company shall parade at least eight times in each and every year, and oftener, if they shall think proper; and all fines and forfeitures levied and collected by the said Company from any of its officers or members, under the by-laws and regulations which they may adopt, shall belong exclusively to said Company, to be by them laid out and expended, as they may think proper. Parades, &c.

Sec. 5. *And be it further enacted*, That the members of said Company, be, and they are hereby freed and exempt from jury duty, and also from patrol duty, unless in case of danger from insurrection or rebellion, the peace and safety may require it: *Provided*, that nothing herein contained shall be so construed, as to allow the privileges of this act to apply to, or be enjoyed by honorary members, or to those who do not perform military duty in said company. Exemptions. Proviso.

Sec. 6. *And be it further enacted*, That the said Company, and the Montgomery True Blues, (an independent chartered company,) in the city of Montgomery, shall each be furnished by the Governor of the State with arms and accoutrements, tents and camp equipage, upon the execution of a bond, or bonds by the commanding officers of the said companies, or either of them, with good and sufficient security, payable to the Quarter Master General of the State, any law or regulation to the contrary notwithstanding. Governor to furnish with arms.

Sec. 7. *And be it further enacted*, That the Montgomery Riflemen, and the Montgomery True Blues, are hereby authorized and empowered to unite and form an independent battalion, which battalion they may increase to five companies: *Provided*, that each company shall be uniformed. May form battalion. Proviso.

Approved, 15th January, 1846.

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of the several decrees of the Chancery Courts of this State, hereinafter specified, the bonds of matrimony heretofore solemnized and subsisting between the several parties hereinafter named, be, and the same are hereby dissolved, annulled, and made void :

Simpson from Simpson 1. And that Matthew Simpson, be divorced from his wife, Nancy Simpson, in pursuance of a decree of the Chancery Court, made at its July term, eighteen hundred and forty-five, in the county of Lowndes :

Bumpuss from Bumpuss 2. And that John Bumpuss, be divorced from his wife, Mary Bumpuss, in pursuance of a decree of the Chancery Court, made at the May term thereof, eighteen hundred and forty-five, in the county of Clarke :

Barnes from Barnes 3. And that Kincheon Barnes, be divorced from his wife, Elizabeth Barnes, in pursuance of a decree of the Chancery Court, made at the September term thereof, eighteen hundred and forty-five, in the county of Blount :

Lowry from Lowry 4. And that Frances Lowry, be divorced from her husband, Asa Lowry, in pursuance of a decree of the Chancery Court, made at the May term thereof, eighteen hundred and forty-five, in the County of Russell :

Thompson from Thompson 5. And that John L. Thompson, be divorced from his wife, Rachael Thompson, in pursuance of a decree of the Chancery Court, made at the November term thereof, eighteen hundred and forty-five, in the county of Lowndes :

Allison from Allison 4. And that William W. Allison, be divorced from his wife, Minerva Ann Allison, in pursuance of a decree of the Chancery Court, made at the July term thereof, eighteen hundred and forty-five, in the county of Talladega :

Franklin from Franklin 7. And that Elizabeth Franklin, be divorced from her husband, David Franklin, in pursuance of a decree of the Chancery Court, made at the June term thereof, eighteen hundred and forty-five, in the county of Butler :

Holston from Holston 8 And that Stephen Holtson, be divorced from his wife, Leodecia Holtson, in pursuance of a decree of the Chancery Court, made at the term thereof, eighteen hundred and forty , in the county of

Crawford from Crawford 9. And that Thomas Crawford, be divorced from his wife, Elizabeth A. Crawford, in pursuance of a decree of the Chancery Court, made at the September term thereof, eighteen hundred and forty-five, in the county of Greene :

Daffin from Daffin 10. And that Jackson Daffin, be divorced from his wife, Eleanor Daffin, in pursuance of a decree of the Chancery Court,

made at the May term thereof, eighteen hundred and forty-five, in the county of Clarke :

11. And that William H. Nixon, be divorced from his wife, Nixon from Margaret Nixon, in pursuance of a decree of the Chancery Nixon Court, made at the May term thereof, eighteen hundred and forty-five, in the county of Macon :

12. And that Martha E. Bishop, be divorced from her husband, Abram W. J. Bishop, in pursuance of a decree of the Bishop from Chancery Court, made at the May term thereof, eighteen hundred and forty-five, in the county of Clarke :

13. And that Ann G. Callahan, be divorced from her husband, Callahan William Callahan, in pursuance of a decree of the Chancery from Callahan Court, made at the June term thereof, eighteen hundred and forty-five, in the county of Morgan :

14. And that Samuel Graham, be divorced from his wife, Graham from Matilda Graham, in pursuance of a decree of the Chancery Graham Court, made at the July term thereof, eighteen hundred and forty-five, in the county of Benton :

15. And that Margaret E. Sumner, be divorced from her husband, Bright Sumner, in pursuance of a decree of the Chan- Sumner from cery Court, made at the April term thereof, eighteen hundred and forty-five, in the county of Mobile :

16. And that Maria Josephine Pierre Saint Guirove, be divorced from her husband, Pierre Pascal Saint Guirove, in pursuance of a decree of the Chancery Court, made at the April Guirove from term thereof, eighteen hundred and forty-five, in the county of Guirove Mobile :

17. And that Giles Joiner, be divorced from his wife, Ma- Joiner from ry A. B. Joiner, in pursuance of a decree of the Chancery Court, Joiner made at the June term thereof, eighteen hundred and forty-five, in the county of Sumter :

18. And that West D. Walden, be divorced from his wife, Walden from Martha A. Walden, in pursuance of a decree of the Chancery Walden Court, made at the term thereof, eighteen hundred and forty-five, in the county of Coosa :

19. And that Julia Alexander, be divorced from her husband, Alexander Jefferson Alexander, in pursuance of a decree of the Chancery from Alexan- Court, made at the April term thereof, eighteen hundred and der forty-five, in the county of Mobile :

20. And that Christiana Gill, be divorced from her husband, Gill from John Gill, in pursuance of a decree of the Chancery Court, made Gill at the February term thereof, eighteen hundred and forty-five, in the county of Lowndes :

21. And that Flora Montgomery, be divorced from her husband, Philip M. Montgomery, in pursuance of a decree of the Montgomery Chancery Court, made at the May term thereof, eighteen hun- from Mont- dred and forty-five, in the county of Monroe : gomery

22. And that Susan McLean, be divorced from her husband,

McLean from McLean William B. McLean, in pursuance of a decree of the Chancery Court, made at the April term, eighteen hundred and forty-five, in the county of Mobile :

Lovitt from Lovitt 23. And that John F. Lovitt, be divorced from his wife, Elizabeth Lovitt, in pursuance of a decree of the Chancery Court, made at the May term thereof, eighteen hundred and forty-five, in the county of Monroe :

Raney from Raney 24. And that Sarah A. Raney, be divorced from her husband, William E. Raney, in pursuance of a decree of the Chancery Court, made at the May term thereof, eighteen hundred and forty-three, in the county of Lawrence :

Underwood from Underwood 25. And that Launcelott V. Underwood, be divorced from his wife, Martha W. Underwood, in pursuance of a decree of the Chancery Court, made at the June term thereof, eighteen hundred and forty-five, in the county of Sumter :

Rose from Rose 26. And that Ezekiel Rose, be divorced from his wife, Sarah Rose, in pursuance of a decree of the Chancery Court, made at the May term thereof, eighteen hundred and forty-five, in the county of Lauderdale.

Approved, 8th January, 1846.

[No. 124.]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in pursuance of the several decrees of the Chancery Courts of this State, hereinafter specified, the bonds of matrimony heretofore solemnized, and subsisting between the several parties hereinafter mentioned, be, and the same are hereby dissolved, annulled, and made void :

Whitlock from Whitlock And that Achilles Whitlock be divorced from his wife, Letitia W. Whitlock, in pursuance of a decree of the Court of Chancery, made at the May term of said Court, eighteen hundred and forty-five, in the county of Limestone:

Hayes from Haynes And that John W. Hayes be divorced from his wife, Louisa F. Hayes, in pursuance of a decree of the Court of Chancery, made at the July term of said Court, eighteen hundred and forty-five, in the county of Talladega:

Brister from Brister And that Robert E. Brister be divorced from his wife, Ann Brister, in pursuance of a decree of the Court of Chancery, made at the June term of said Court, eighteen hundred and forty-five, in the county of Madison:

Harden from Harden And that Littleton Y. Harden be divorced from his wife, Sarah W. Harden, in pursuance of a decree of the Court of Chancery, made at the May term of said Court, eighteen hundred and forty-five, in the county of Limestone:

And that Washington Nelson be divorced from his wife, ^{Nelson from} Elizabeth Nelson, in pursuance of a decree of the Chancery ^{Nelson} Court, made at the June term thereof, eighteen hundred and forty-five, in the county of Sumter:

And that Elizabeth Beck be divorced from her husband, ^{Beck from} William G. Beck, in pursuance of a decree of the Chancery ^{Beck} Court, made at the May term thereof, eighteen hundred and forty-five, in the county of Conecuh:

And that Eliza Carter be divorced from her husband, Stephen Carter, in pursuance of a decree of the Chancery Court, ^{Carter from} made at the May term thereof, eighteen hundred and forty-five, ^{Carter} in the county of Conecuh.

Approved, 4th February, 1846.

[No. 125.]

AN ACT

To divorce Charles M. Lofton from his wife Adeline Lofton, and William Butler from his wife Mary Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity to a decree rendered by the honorable Anderson Crenshaw, Chancellor of the southern chancery division of the State of Alabama, and in the eighth district of said State, that the bonds of matrimony heretofore subsisting between Charles M. Lofton and his wife, Adeline Lofton, be, and the same are hereby dissolved; and that the said Charles M. Lofton be henceforth divorced from his said wife Adeline Lofton. ^{Lofton from} ^{Lofton}

Sec. 2. *And be it further enacted,* That in pursuance of a decree of the Chancery Court of Bibb county, at the last term thereof, William Butler, of Bibb county, be, and he is hereby divorced from his wife Mary Butler. ^{Butler from} ^{Butler}

Approved, 2d February, 1846.

[No. 126.]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the bonds of matrimony heretofore solemnized and subsisting between the parties hereinafter named, be, and the same are hereby rescinded, annulled and made void; and that Eliza A. McKissick be divorced from her husband, William B. McKissick, in pursuance of a decree of the Court of Chancery, made at the fall term of said Court, eighteen hundred and forty-five, in the county of Barbour. ^{McKissick} ^{from McKis-} ^{sick}

Approved, 3d January, 1846.

[No. 127.]

AN ACT

To divorce certain persons therein named.

Bradley from
Bradley

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That agreeable to a decree heretofore rendered by the honorable Anderson Crenshaw, Chancellor for the southern division of the State of Alabama, and in the eighth Chancery district of said division, that the bonds of matrimony heretofore subsisting between Eliza A. C. Bradley, and Henry Bradley, be, and the same are hereby dissolved, and the said Eliza A. C. Bradley be henceforth divorced from her said husband Henry Bradley.

Adcock from
Adcock

Sec. 2. *And be it further enacted,* That agreeable to a decree heretofore rendered by the honorable Alexander Bowie, Chancellor for the northern chancery division of the State of Alabama, and in the forty-second chancery district, of said State, that the bonds of matrimony heretofore subsisting between Jane E. Adcock and Hiram Adcock, be, and the same are hereby dissolved, and that the said Jane E. Adcock be henceforth divorced from her said husband, Hiram Adcock.

Approved, 4th February, 1846.

[No. 128.]

AN ACT

To divorce certain persons therein named.

Reddick from
Reddick

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the bonds of matrimony heretofore solemnized and now subsisting between Josiah Reddick and his wife, Jemima Reddick, be, and the same are hereby dissolved, annulled and made void, in pursuance to a decree of the Chancery Court, made at the June term thereof, eighteen hundred and forty-five, in the county of Madison; and that the said Josiah Reddick, be divorced from his said wife, Jemima Reddick, according to said decree.

Approved, 2d February, 1846.

[No. 129.]

AN ACT

To legalize a certain marriage therein named, and for other purposes.

Marriage le-
galized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the marriage heretofore solemnized, and now subsisting between John Riley and his wife, Sarah Riley, formerly Sarah Rainey, be, and the same is hereby legalized and made valid.

Sec. 2. *And be it further enacted*, That James, Zachariah, ^{Children le-} and Margaret Jane, issue of the said marriage, be, and the ^{gitimated.} same are hereby declared legitimate, to all intents and purposes.

Approved, 29th January, 1846.

[No. 130.]

AN ACT

In relation to Company Musters, in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly* ^{Four musters} *convened*, That the different companies of militia in Butler ^{to be held.} county, shall hereafter be required to hold four company musters in each year.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, in conflict with this act, be, and the same are hereby repealed.

Approved, 23d January, 1846.

[No. 131.]

AN ACT

To authorize the appointment of an additional Constable in the Abbeville Beat, in the County of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the citizens of Abbeville beat, in the county of Henry, to elect ^{Constable to} an additional constable, who shall be required to give bond and ^{be elected.} security, for the same amount, and subject to the same rules, regulations, and liabilities as other constables in this State; any law to the contrary notwithstanding.

Approved, 23d January, 1846.

[No. 132.]

AN ACT

In relation to the First and Second Battalions of the Ninety-First Regiment of Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, a majority of the commissioned officers of the first and second battalions of the ninety-first regiment of the Alabama militia, in the county of Blount, shall be sufficient to constitute battalion courts-martial, any law to the contrary notwithstanding.

Approved, 29th January, 1846.

[No. 133.] AN ACT

Authorizing the raising a Company of Cavalry, in the County of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Samuel Q. Randell, and others, be, and the same are hereby authorized to raise a Company, of Cavalry, at, or near Boligee, in the county of Greene; any law, or laws to the contrary notwithstanding.

Approved, 3d February, 1846.

[No. 134.] AN ACT

To repeal An Act therein named.

Additional
beat estab-
lished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act entitled an act to establish an additional beat in the county of Montgomery, approved January twenty-fifth, eighteen hundred and forty-five, be, and the same is hereby repealed.

Approved, 23d January, 1846.

[No. 135.] AN ACT

To alter the mode of holding Company Musters in the County of Dale.

Four musters
to be held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, there shall be four company musters in each and every year in the county of Dale.

Approved, 31st January, 1846.

[No. 136.] AN ACT

To form an additional Company Beat, in the Seventy-Third Regiment, A. M.

Additional
beat estab-
lished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, a new company beat shall be formed in the third battalion of the seventy-third regiment, Alabama militia, by dividing beat number one in said battalion and regiment, as follows, to wit: the division line shall commence at the county line, at the corner between the thirty-fourth and thirty-fifth sections of township

sixteen and range two; thence north along said section line to the corner between two and three of the same township; thence north to the Mountain road; thence east along said road to the little creek, west of Stepp Roberts' house, to its mouth, on a direct line to the ford on the Tallapoosa river, at William H. Pesnall's mills; thence along said road to James Bird's plantation, on the Randolph line; thence west along said county line to the beginning.

Sec. 2. *And be it further enacted*, That the company beat formed by the preceding section of this act, shall be governed in all respects as other companies of a like nature, are now governed by law.

Approved, 23d January, 1846.

[No. 137.]

AN ACT

To form a new Company Beat, in Franklin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an additional company beat, be, and the same is hereby established in the county of Franklin, with the following Limits of new beat. bounds and limits, to wit: beginning on Cedar creek at the mouth of the Upper Lick creek, near the residence of John Norman, running thence up said Lick creek to the road leading from Russellville, Alabama, to Fulton, Mississippi; thence westwardly along said road to where a road known as the Bolding road, branches off from said Russellville and Fulton road; thence along said Bolding road to where it is crossed by a road known as Burgess' mill road; thence along said road, known as Burgess' mill road, in a northwardly direction so as to include the residence of Benjamin Burgess, on Cedar creek; thence due north to the dividing ridge between Cedar creek and Big Rock creek; thence eastwardly along said ridge to the dividing ridge between Lost creek and Trace creek; thence southwardly with said ridge to Cedar creek; thence up said creek to the beginning.

Sec. 2. *And be it further enacted*, That said company when organized shall be attached to, and form a portion of the second battalion of the ninth regiment, Alabama militia, and shall be subject to all the laws and regulations governing other militia companies in said battalion. To form part of 9th Reg.

Sec. 3. *And be it further enacted*, That for the purpose of organizing said company, Benjamin Burgess, Leander Miller, and Farmer Moore, be, and they are hereby appointed to hold an election in said company for all usual and necessary company officers; the said persons, or any two of them shall Election to be held.

advertise said election by posting up notices at three public places in said beat, of the time and place of said election; said persons holding said election, shall within ten days after said election, make return of said election to the commanding officer of said battalion.

Sec. 4. *And be it further enacted*, That nothing in this act shall be so construed, as to allow any organized company in said battalion, to be reduced below the number now required by law.

Sec. 5. *And be it further enacted*, That the said company may exist and continue with a less number than forty privates.

Approved, 5th February, 1846.

[No. 138.]

AN ACT

To form an additional Regiment in the County of Benton.

Additional
regiment
formed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a new regiment be formed in the county of Benton, to be composed of the third battalion of the seventy-third regiment, and Captain Mason Ezell's company of the second battalion; said regiment to be known as the ninety-seventh regiment of Alabama militia.

Sec. 2. *And be it further enacted*, That the first and second companies shall form the first battalion of said regiment; and the third, fourth, and Captain Ezell's company shall form the second battalion.

Sec. 3. *And be it further enacted*, That said regiment shall be governed in all respects, as other regiments of Alabama militia are now governed by law.

Approved, 2d January, 1846.

[No. 139.]

AN ACT

To authorize an additional officer in the Company of Pike Blues, a Rifle Company in the County of Pike, and for other purposes.

May elect 3d
lieutenant.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Company of Pike Blues, a Rifle Company in the forty-second regiment, thirteenth brigade, fifth division, Alabama militia, be authorized to elect and assign his duties to an additional officer, to be called a third lieutenant, or ensign.

Sec. 2. *And be it further enacted*, That non-commissioned officers shall not sit on courts-martial in said county.

Sec. 3. *And be it further enacted*, That said company may hold six company musters in each year.

[No. 140.]

AN ACT

To alter and amend the Militia Law, so far as relates to the Sixtieth Regiment of Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that it shall be the duty of the commanding officers of company beats of said regiment, to hold their company musters on the following named days, viz :

Of beat number one, the first Saturdays of February and July :

Of beat number two, the second Saturdays of February and July : Company musters, when held.

Of beat number three, the third Saturdays of February and July :

Of beat number four, the fourth Saturdays of February and July :

Of beat number five, the first Saturdays after the fourth Saturdays of February and July :

Of beat number six, the second Saturdays after the fourth Saturdays of February and July, in each and every year.

Sec. 2. *And be it further enacted,* That it shall be lawful for a majority of the commissioned officers of either of the battalions of the sixtieth regiment of Alabama militia, to constitute a battalion court martial, any law to the contrary notwithstanding.

Approved, 14th January, 1846.

[No. 141.]

AN ACT

To regulate the collection of fines assessed by the Dallas Mounted Guards, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all fines hereafter assessed by the officers of the Dallas Mounted Guards, execution shall issue directed to the sheriff of Dallas county, commanding him to collect all such fines, and pay the same to the commanding officer of said company, who shall report to the company at least once in six months ; the amount of money so collected, and all fines so collected shall be set apart as a company fund, to be laid out in the purchase of such accoutrements as the company may deem necessary to a complete, uniform, and efficient action, in time of service. Fines, how collected.

Approved, 4th February, 1846.

[No. 142.]

AN ACT

Authorizing the formation of a Troop of Cavalry in Jackson County.

May form
troop of cav-
alry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Roden, William Council, and such other citizens of the first battalion of the first regiment of the tenth brigade and ninth division, Alabama militia, as may elect to take advantage of the provisions of this act, are hereby authorized to form themselves into a troop of cavalry, to be known as the Jackson County Rangers.

Sec. 2. *And be it further enacted,* That the said Jackson County Rangers shall be subject to all liabilities, and be governed in all respects, as like companies are now governed by law: *Provided,* that nothing in this act shall be so construed, as to reduce militia companies below the limits as now established by law.

Approved, 2d February, 1846.

[No. 143.]

AN ACT

To amend An Act entitled An Act to authorize a portion of the citizens of Henry county to form a Beat, or Volunteer Company with a less number of privates than forty.

May elect
two justices
and one con-
stable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the qualified electors belonging to said beat, or volunteer company, or who may hereafter belong to said beat, or volunteer company, so soon as may be practicable, and at the next general election for justices of the peace and constable, and so often thereafter as a vacancy may occur, to elect two justices of the peace, and one constable; who shall hold their offices for the same term, and have the same power and authority, and perform the same duties, and be subject to the same regulations and penalties as other justices of the peace and constables.

Sec. 2. *And be it further enacted,* That said justices of the peace and constable, shall have jurisdiction in the same manner, and to the same extent as justices of the peace and constables of the State; and shall also give bond as is now required by law, any law to the contrary notwithstanding.

Approved, 8th January, 1846.

[No. 144.]

AN ACT

To authorize the establishment of a Fish Trap, in Elk river, in the County of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Goldsberry Greenhaw, of the county of Limestone, be, and he is hereby authorized to establish a Fish Trap, on Lewis' Shoals, in Elk River, in said county: *Provided,* the passage of boats down said river be not impaired thereby.

Approved, 29th January, 1846.

[No. 145.]

AN ACT

In aid of a contract entered into between Albert Stein, and the Mayor, Aldermen, and Common Council of the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, in addition to the other privileges heretofore granted to the Mobile Aqueduct Company, to the Mobile Water Works Company, and to Albert Stein, and his associates, the present proprietors of the said works and privileges, it shall and may be lawful for the said Albert Stein, his associates and assigns, to proceed to collect before any justice of the peace in Mobile county, or any Court of competent jurisdiction in the State of Alabama, all such dues, demands, forfeitures, rents, sum and sums of money, as he the said Albert Stein, his associates and assigns, may be entitled to, by reason of the provisions of the contract, made between him and the mayor, aldermen, and common council of the city of Mobile, by virtue of an act of the Senate and House of Representatives of the State of Alabama, passed on the seventh day of January, eighteen hundred and forty-one, in like manner, as the said dues, and demands, rents, forfeitures, sum and sums of money, might heretofore have been collected before the mayor of the city of Mobile.

Further privileges extended.

Sec. 2. *And be it further enacted,* That from and after the passage of this act, that all the jurisdiction which has heretofore been vested in the Mayor of the City of Mobile, touching and regarding the said Mobile Aqueduct Company, the said Mobile Water Works Company, and the said Albert Stein, his associates, and assigns, may be exercised by any justice of the peace, for the county of Mobile, as fully and entirely as the said jurisdiction might have heretofore been exercised by the Mayor of the City of Mobile.

Jurisdiction.

Approved, 4th February, 1846.

[No. 146.]

AN ACT

To prevent the evil and pernicious practice of Camp Hunting,
so far as relates to the County of Covington.

Not more
than five per-
sons to hunt,
&c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any persons of said county to form themselves into companies of more than five, at any one time for the purpose of hunting deer, or any other game in said county, by camping therein, or for any other person or persons going to said county for the purpose of camp hunting.

Sec. 2. *And be it further enacted,* That for any violation of this act, the person or persons so violating, shall upon conviction, be fined in a sum not less than five, nor exceeding fifty dollars.

Approved, 5th February, 1846.

[No. 147.]

AN ACT

To authorize James H. Mosley to erect a Toll Bridge across
Noxubee River.

May erect a
toll bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James H. Mosley of the county of Sumter, is hereby authorized to erect a toll bridge over the Noxubee river, at some point between a place called the Cut Off, and the State line of Alabama and Mississippi in said county; and he shall be allowed to demand and receive the same rate of toll that is now allowed by law, to be taken at the bridge crossing said river just above the town of Gainesville, in said county.

Rights vested

Proviso.

Sec. 2. *And be it further enacted,* That the rights hereby vested shall continue to the said Mosley, his heirs and assigns, for the space of thirty years and no longer: *Provided,* this act shall not authorize said Mosley to obstruct the navigation of said river: *And provided further,* that said Mosley shall become the owner of the land on each side of said river, that will be covered by the fixtures and abutments of said bridge, before he shall proceed to erect the same.

Sec. 3. *And be it further enacted,* That all persons are prohibited from erecting any other toll bridge, or establishing a ferry across said stream, within two miles of said bridge.

Approved, 2d February, 1846.

[No. 148.]

AN ACT

To authorize the erection of a Toll Bridge over North River,
in Tuscaloosa County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George A. Tierce and his associates or assigns, ^{May erect a bridge.} are hereby authorized to erect and keep up, over such part of North river, in Tuscaloosa county, as may be best suited to the public interests and wants, a toll bridge.

Sec. 2. *And be it further enacted,* That said George A. Tierce, his associates and assigns, shall, in consideration of ^{Charge toll.} always keeping said bridge in good and safe condition, have and enjoy the right of charging toll on said bridge for the space of twenty years and no longer.

Sec. 3. *And be it further enacted,* That the toll to be charged on the said bridge shall not exceed the following rates, ^{Rates.} to wit:

For each four wheel carriage or wagon, one dollar:

For each two wheel carriage or wagon, fifty cents:

For each single horse, including the rider, twenty-five cents:

For each person without a horse, twelve and a half cents:

For each horse, cow, ox, or head of cattle in a drove, one cent.

Sec. 4. *And be it further enacted,* That the said toll bridge shall in no wise interfere with, or obstruct the ford or fords over said river, or prevent the passage of persons free of toll over said fords.

Approved, 4th February, 1846.

+ Received, 1866-7-72. 661

[No. 149.]

AN ACT

To authorize John G. Barrow, of the County of Covington, to
erect a Toll Bridge across the Conecuh River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for John G. Barrow, of the county of Covington, to ^{May erect a toll bridge.} erect a toll bridge across the Conecuh river, at or near the place where the public road leading from Sparta in Conecuh county, to the town of Andalusia, in the county of Covington, crosses said Conecuh river; and that said Barrow, his heirs and assigns, are hereby authorized to charge and receive such toll for the crossing on said bridge, for the term of ten years from the time such bridge may be completed, as may be from time to time authorized and allowed by the Court of Commissioners of revenue and roads of Covington county.

May receive
toll.

Sec. 2. *And be it further enacted*, That it shall not be lawful for the said Barrow, his heirs or assigns, to charge and receive any toll as aforesaid, without he or they shall have first entered into bond and security, conditioned and payable in the same manner, and for the same sum as is now by law required by keepers of public ferries in this State, to be approved of by the Judge of the County Court of said county of Covington; and which said bond shall be renewable every five years, and oftener if the Judge of the County Court aforesaid, may require it; any law to the contrary notwithstanding.

Approved, 3d February, 1846.

[No. 150.]

AN ACT

Authorizing Samuel H. Harris to erect a gate across the road, near the Ferry, at McCowen's Bluff.

May erect a
gate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Samuel H. Harris, of the county of Tuscaloosa, shall have authority to erect a gate across the road, near the landing, known by the name of McCowen's Bluff, in the county of Tuscaloosa.

Approved, 2d February, 1846.

[No. 151.]

AN ACT

To authorize the legal representatives of Jesse Lott, to continue a Toll Bridge over Dog River, in Mobile County, and for other purposes.

May continue
toll bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the legal representatives of Jesse Lott, late of Mobile county, and now deceased, be, and they are hereby authorized to continue the toll bridge of the said Jesse Lott, erected across Dog river, in the county of Mobile, for the term of ten years from the passage of this act; that they be entitled to receive the same tolls for crossing said bridge as heretofore established; and that it shall not be lawful for any person or persons, to establish any toll bridge or ferry within the limits or compass of three miles of said bridge.

Sec. 2. *And be it further enacted*, That the term, limits, privileges, and provisions of this act, be, and they are hereby extended to John Mason, owner of a public ferry, on the said Dog river.

Approved, 21st January, 1846.

[No. 152.]

AN ACT

To authorize William H. Garrett to establish a Public Ferry across Coosa River, in Cherokee County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William H. Garrett, of the county of Cherokee, be, and he is hereby authorized to establish and keep a public ferry over Coosa river, in said county, at, or near a point formerly known as Childers' ferry, now Garrett's ferry; and he shall be allowed to demand, and receive for crossing said ferry, the rates of ferriage now allowed by the Commissioners' Court of Cherokee county. May establish a ferry.

Sec. 2. *And be it further enacted,* That the said William H. Garrett shall give bond, with sufficient security to the Judge of the County Court of Cherokee county, with the same conditions as are now required of other keepers of public ferries; which bond shall only be renewed every six years, unless otherwise ordered by the Judge aforesaid, for the want of sufficient security; any law or usage to the contrary notwithstanding. To give bond.

Approved, 3d February, 1846.

[No. 153]

AN ACT

To authorize William Robbins, of the County of Covington, to establish a Public Ferry across the Conecuh River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for William Robbins, of the county of Covington, to establish a public ferry across the Conecuh river, on his own land, which is known by the following numbers: the north west fourth of north east fourth, of section fourteen, of township six, of range seventeen: *Provided,* there is no public ferry within two miles, by water, of the place contemplated in the foregoing section; and that the said Robbins, his heirs and assigns are hereby authorized to charge and receive such toll for the crossing at such ferry as aforesaid, as may be from time to time, authorized and allowed by the Commissioners' Court of roads and revenue of said county of Covington. May establish a ferry.
Proviso.

Sec. 2. *And be it further enacted,* That it shall not be lawful for the said Robbins, his heirs or assigns, to charge and receive any toll as aforesaid, until he, or they, shall have first entered into bond and security, conditioned and payable in the same manner, and for the same sum, as is now required by keepers of public ferries in this State, to be approved of by the Judge of the County Court of said county of Covington; which bond shall To give bond

be renewable every four years thereafter; any law to the contrary notwithstanding.

Approved, 28th January, 1846.

[No. 154.]

AN ACT

To authorize George Willis and Robert C. Caldwell and their associates, to navigate the Conecuh and Sepulga rivers, and for other purposes.

Preamble.

Whereas, the navigation of the Conecuh and Sepulga rivers with steam power, would expedite trade and lessen the expense and risk of the transportation of produce, goods, wares and merchandise, and thereby promote the convenience and prosperity of the inhabitants of the country bordering thereon : And whereas, George Willis and Robert C. Caldwell, and their associates, are willing to encounter the expense and difficulties of navigating said rivers, with steam, in consideration of the privileges and immunities hereinafter set forth and contained : Therefore,

Declared body corporate.

Name and style.

Proviso.

Privileges of Corporation.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That George Willis and Robert C. Caldwell, and their associates, be, and they are hereby constituted a body corporate and politic, with a capital stock of twenty-five thousand dollars, under the name and style of the Conecuh Navigation Company. And the said George Willis and Robert C. Caldwell, and their associates, shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in any Court of law or equity in this State; and to do and perform all things incident to a body corporate: *Provided*, the said company shall do nothing that may be repugnant to the laws of this State, or the United States.

Sec. 2. And be it further enacted, That the said George Willis and Robert C. Caldwell, and their associates, shall be, and they are hereby authorized to have and enjoy the exclusive right to navigate the Conecuh and Sepulga rivers, with steamboats, from the Florida line to Brooklyn and to Montezuma, for the term of fifteen years from the passage of this act; on condition that the said George Willis and Robert C. Caldwell, and their associates, shall, within two years from the passage of this act, clear out from the bed and banks of the said rivers, all the logs, snags and stooping trees that form obstructions to the navigation of the stream, by steamboats; and to keep, at all times, after the expiration of the said two years, a, good and safe steamboat, or boats, sufficient to carry

off the cotton and other produce on said rivers; and continue to keep the said rivers clear of all obstructions, until the expiration of their charter.

Sec. 3. *And be it further enacted*, That the said George Willis and Robert C. Caldwell, and their associates, shall be authorized to charge and receive the following rates for freight and passage: for each bale of cotton freighted to Pensacola, it shall not exceed one dollar and fifty cents; and for each barrel of return freight, one dollar; and in such proportion for all other freights; and the rates of fare for passengers shall not exceed five cents per mile, for cabin, and two and a half cents per mile, for deck passage. Rate of freight, &c.

Sec. 4. *And be it further enacted*, That if the said George Willis and Robert C. Caldwell, and their associates, shall fail, or neglect to keep a steamboat in the river, when the river is boatable, for the space of thirty days, at any one time, then, and in that case, the river shall be free for any person to navigate with steamboats: *Provided*, that nothing in this act shall be so construed, as to prohibit the citizens from navigating the rivers with flat boats or barges. Failure to keep boat, &c.
Proviso.

Approved, 4th February, 1846.

[No. 155.]

AN ACT

To authorize Littleberry Strange, of Macon County, to build a Toll Bridge across Line Creek, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Littleberry Strange of the county of Macon, be, and he is hereby authorized to build a toll bridge across Line creek, at the place where the road crosses, leading from Columbus, Georgia, by way of Tuskegee, to the city of Montgomery; and he shall be allowed such rates of toll as may be agreed on by the Commissioners Courts of roads and revenue of the counties of Macon and Montgomery; when such rates are established, they shall be permanent during the continuance of this charter: *Provided*, he shall pay to the owner, or owners of the land on which said bridge may be built, such damages as may be by him, or them, sustained, to be ascertained by the verdict of a jury, on a writ of *ad quod damnum*, to be issued by the clerk of the County Court of the county in which the land lies, agreeable to the provisions of the law in such cases made and provided. May build a bridge, &c.
Proviso.

Sec. 2. *And be it further enacted*, That the said Littleberry Strange, his heirs and assigns, shall be liable for all damages that may be done to any passenger or passengers, or his, her or their property in crossing the said bridge, if occasioned by neglect on the part of the proprietor of said bridge, his agents or Liability for damage, &c.

hands; which damage, or damages, shall be recoverable in any Court having competent jurisdiction.

Rights vested Sec. 3. *And be it further enacted*, That the rights hereby conferred, shall continue ten years and no longer, and then be vested in the courts of roads and revenue of the above named counties.

Bridge to be completed. Sec. 4. *And be it further enacted*, That if the said bridge shall be completed within one year after the passage of this act, and be approved of by the Commissioners Courts of the above recited counties, then, and in that case, it shall not be lawful for any other person, or persons, to erect, or establish a bridge, or ferry across said creek within three miles of said bridge.

Sec. 5. *And be it further enacted*, That all persons owning the land on either side of said creek, where said bridge shall be built, that they, or those which may rent said land, shall be entitled to pass over said bridge free of charge : *Provided*, that the said Littleberry Strange, shall at all times keep the ford open in good repair at the present crossing place.

Approved, 4th February, 1846.

[No. 156.]

AN ACT

To grant the privilege to Thomas Owen and Edward B. Vaughan and their associates, to erect a mill in the Warrior River.

May erect a mill, &c. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Thomas Owen and Edward B. Vaughan, and their associates, be, and they are hereby authorized to erect a mill in Warrior river, on the south side, and at the principal fall of said river, opposite the University of the State of Alabama : *Provided*, that they shall in no wise obstruct, or interfere with the navigation of said river : *And provided*, they shall commence said mill within three years from the passage of this act.

Proviso.

Approved, 3d February, 1846.

[No. 157.]

AN ACT

Amendatory of An Act to authorize Jehu Lawler, of Madison County, to erect a Mill dam on Flint River, in said County, approved, eighth of January, eighteen hundred and thirty-six.

Repeal. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of said act, as requires said Jehu Lawler to construct and keep in repair, a good and sufficient lock in said dam, be, and the same is hereby repealed.

Approved, 31st January, 1846.

[No. 158.]

AN ACT

To amend An Act authorizing Charles McLemore, and associates, to build a Bridge across the Tallapoosa River, approved February sixth, eighteen hundred and forty-three.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of said Act, requiring said bridge to be completed within three years, be, and the same are hereby continued three years from the date of this act.

Approved, 4th February, 1846.

[No. 159]

AN ACT

To authorize John W. Cothron to establish a Ferry on Coosa River, in Cherokee County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John W. Cothron, of Cherokee county, be, and he is hereby authorized, to establish and keep a public ferry over Coosa River, at or near a point on said river, in Cherokee county, known as Nesbit's Old Ferry; and he shall be allowed to demand and receive for crossing said ferry, the rate of ferriage allowed by the Commissioner's Court, of Cherokee county. May establish ferry.

Sec. 2. *And be it further enacted,* That the said John W. Cothron shall give bond with sufficient security, to the Judge of the County Court of Cherokee county, with the same conditions, as are now required of other keepers of public ferries; which bond shall only be renewed every six years, unless otherwise ordered by the Judge aforesaid, for the want of sufficient security; any law or usage to the contrary notwithstanding. To give bond

Approved, 29th January, 1846.

[No. 160.]

AN ACT

To repeal in part and amend an act entitled An Act to authorize Nelson H. White and Richard Burruss to Turnpike a certain Road therein mentioned, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the above recited act, as prohibits the corporations, or their successors, from charging pikeage for the transmission of the United States mail over said road, be, and the same is hereby repealed. Repeal.

May charge
pikeage on
U. S. mail.

Sec. 2. *And be it further enacted*, That hereafter the said Nelson H. White and Richard Burruss, or their successors or assigns, shall be allowed to charge the contractors for carrying the United States mail, the same pikeage, which by the provisions of the above recited act, they may charge four or six horse wagons; any law or usage to the contrary notwithstanding.

Sec. 3. *And be it further enacted*, That Thomas East, be, and he is hereby appointed a commissioner, to review and examine the condition of said road, instead of Elijah McCulloch, resigned.

Approved, 26th January, 1846.

[No. 161.]

AN ACT

Authorizing James Hampton to establish a Ferry across Coosa River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Hampton be, and he is hereby authorized, to establish a public ferry across Coosa river, at or near a place on said river called Walker's Ferry, both landings of which said ferry may be on the land of him, the said James Hampton, as now owned; and the said James Hampton, his heirs and assigns, are hereby authorized to charge and receive such toll for crossing at said ferry, as may be from time to time authorized and allowed by the Court of Commissioners of Roads and Revenue of Cherokee county: *Provided*, that said Hampton shall give bond and security in the same manner that other keepers of public ferries in this State are required to do: *Provided further*, that all laws and parts of laws, granting a charter for a ferry to Thomas Hollingsworth is hereby repealed.

Approved, 29th January, 1846.

[No. 162.]

AN ACT

To declare Pea River a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that part of Pea river running from Black's mill, in Dale county, to Geneva, in Coffee county, be, and the same is hereby declared a public highway, subject to the same laws as now regulate and protect other highways.

Approved, 5th February, 1846.

May establish
ferry, &c.

Proviso.

[No. 163.]

AN ACT

To authorize John Moore and David G. Ligon to turnpike a road therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That John Moore and David G. Ligon, be, and they are hereby authorized to turnpike the road leading from Moulton to Charles Barker's, on Byler's road, as well as the road leading from Town Creek bridge, near Mount Hope, to the point on the mountain, at which said last named road intersects the Byler's road, in Lawrence county; commencing on the first named road, at Moulton, and running thence along said Byler's road to Charles Barkers', and on the second named road, at Town Creek bridge aforesaid, and running thence along said last named road to said intersection aforesaid; that said roads shall be opened thirty feet wide; fifteen of which shall be cleared of stumps and trees, cut down level with the ground, and all grubs and roots removed; the sloping ground, and banks of creeks, to be cut down and leveled, so as to be safe and easy for the passage of horsemen, carriages, &c.; and all marshes, swamps, and creeks to be causeyed, or bridged, with ditches on each side of the causey when necessary; and that all parts of said road, where the ground is soft and impassible in wet weather, shall be well causeyed or macadamized.

Authorized to
turnpike
roads.

Sec. 2. *And be it further enacted,* That Crockett McDonald, Samuel Irvin, and Charles Barker, of Lawrence county, be, and they are hereby appointed Commissioners to review and examine the condition of said road, three times in each year, if they should deem it necessary, and report the condition of said road to the Judge of the County Court of Lawrence county; and so soon as the said John Moore and David G. Ligon put said roads in such repair, as they shall think complies with the requisitions of this act, they are hereby authorized to call on said Commissioners whose duty it shall be to review the condition of said roads, and report the same to the Judge of the County Court, and if said Commissioners shall recommend the erection of a gate, the Judge aforesaid shall cause an order to be made authorizing the same, and the clerk of said County Court, shall on demand, deliver to the said John Moore and David G. Ligon a copy of said order, which shall be authority to them, to erect gates on said roads, at such place or places as they may choose for the purpose, and receive from persons passing the same, the following toll, to wit: for each loaded wagon, and team, fifty cents; for each empty wagon, twenty-five cents; for each loaded cart, twenty-five cents; for each empty cart, twelve and a half cents; for each

Names of
Commission-
ers to view
roads, &c.

Rates of toll.

Proviso.

four wheeled pleasure carriage, or dearborn, twenty-five cents; for every gig or sulky, twelve and a half cents; for man and horse, twelve and a half cents; for each led or loose horse or mule, three cents; for each head of cattle, two cents; for each head of hogs, sheep or goats, one cent: *Provided*, that nothing herein contained shall authorize the said Moore and Ligon, or any person acting by their authority to demand toll of any citizen or citizens of Lawrence county, or of the carriers of the United States' mail, or from persons bearing expresses to or from officers of the United States.

Commissioners, their duty, &c.

Sec. 3. *And be it further enacted*, That in case either, or all of said Commissioners should refuse to act, remove out of the county of Lawrence, or die, the said Judge of the County, is hereby authorized to appoint others, so that the number of such Commissioners, shall during the continuance of said roads, as such turnpikes aforesaid, be kept full. And when said Judge of said County Court, shall be informed in direct terms, by any one of said Commissioners, or their successors, or by any other person on oath, subscribed by the party giving such information, that said roads or any part of either of them, is out of order and repair, said Judge shall forthwith notify said Moore and Ligon, or either of them, of that fact, and require them without delay, to repair the same; and their failure so to do, within a reasonable time, said Judge shall order a review of said road or roads by said Commissioners, or their successors, and should they find such information to be true, they shall open the gate or gates, on the road or roads, so out of repair, and report accordingly to said Judge; and said Commissioners, or their successors, making such review, shall receive two dollars a day, while engaged in said service, to be paid by the said Moore and Ligon, on the production of the order of said Judge, made to that effect. And should the said Moore and Ligon, either by themselves or agents, demand and receive any toll before said road or roads are repaired and received by said Judge, as directed in the third section of this act, they shall forfeit and pay five dollars for every such offence, to any person who shall sue for the same: *Provided*, that on information of any person or persons. other than said Commissioners, or their successors, if the report of said Commissioners or their successors, shall be, that said road or roads complained of, was in repair, then said informant or informants shall be liable to said Moore and Ligon for the amount of the Commissioners' fees, for making such review; to be recovered in any Court having jurisdiction of the same.

Proviso.

Sec. 4. *And be it further enacted*, That said roads shall be commenced in one year, and finished and put in repair as required by this act, in four years after the passage of the same, otherwise all privileges hereby granted, shall be forever for-

feited. And should said roads, or either of them, hereby authorized to be turnpiked, be, or remain for the space of six months, at any one time out of repair, after said gate or gates shall have been opened by said Commissioners, or their successors, and the same shall be so reported, by any person or persons, to the Court of roads and revenue of said county of Lawrence, said Court last said, upon ascertainment that such report is true, shall declare that all the rights and privileges herein granted, are forever forfeited; and it shall be competent for said last said Court, so to order; and in that event, to tax said Moore and Ligon with the costs of such proceedings.

How privileges may be forfeited.

Sec. 5. *And be it further enacted*, That the privileges and immunities hereby granted shall continue for and during the term of twenty-one years, from and after the passage of this act, and no longer; and that nothing herein contained shall be so construed as to authorize said Moore and Ligon, or any person or persons acting by their authority, to exercise banking privileges, or issue change tickets, to be circulated as money.

How vested.

Banking privileges prohibited.

Sec. 6. *And be it further enacted*, That if, after said gate or gates are erected on said roads, or either of them, as herein before authorized, any person or persons, save as herein before excepted, shall use said roads, or either of them, or any part thereof, and then refuse, evade, or attempt to evade, the payment of toll hereby authorized to be collected, by passing round said gate or gates, or any of them, or in any other manner, such person or persons, so offending, shall thereby forfeit and become liable to pay said Moore and Ligon, four times the amount of toll or tolls, thus attempted to be evaded, or refused; which sum may be recovered in any Court having jurisdiction of the same, with costs of suit: *Provided, nevertheless*, that this act shall not be so construed, as to prevent or hinder any person or persons from passing over or along any other road or roads now in existence, except the said roads hereby authorized to be turnpiked as aforesaid.

Penalty for refusing to pay to ll.

Proviso.

Sec. 7. *And be it further enacted*, That any person or persons, who shall, in any manner whatever, impair or obstruct said roads, or either of them, before or after their completion, such person or persons, on conviction, before any justice of the peace, or Court having jurisdiction of the suit, shall pay to the said Moore and Ligon, or their agents, such sum of money as may be a full compensation for the damages done said roads, or either of them, with costs of suit.

Obstructing road, &c.

Approved, 3d February, 1846.

[No. 164.]

AN ACT

To change a Ferry at Gainesville, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William M. Lewis and Rufus G. Lewis, be au-

May remove
ferry

thorized, and they are hereby authorized, to remove their ferry, across the Tombigbee river at Gainesville, a short distance down said river, to the point where they are now preparing landings; and shall have the same right and franchise, and be entitled to demand and receive the same tolls at said ferry when so removed, as they are at present; and that the State road shall hereafter be taken and held to cross said river, at said lower point; and that so much of said State road as lies within the town of Gainesville, between Market square and the river, may be taken and held by said town as and for a public street and steamboat landing; subject to the police and control of said town: *Provided*, that said William M. and Ru-

Proviso.

fus G. Lewis shall first open and prepare suitable landings and way therefrom to the street in said town; and shall file a new bond, with security, with the clerk of the County Court of Sumter county, for keeping said ferry, with the usual penalty and condition; and they shall thereupon be discharged from obligation to keep up a ferry at the place where formerly established: *And further provided*, that the said William M. and Rufus G. Lewis will keep in good order and unobstructed on the east side of the river, the road to and from the ford, near the present ferry: *Provided*, the said William M. and Rufus G. Lewis, shall keep the way clear on the Greene county side of the river; and that the corporation of the town of Gainesville, shall keep the way open on the other side, so as to admit a free passage to all travellers to cross the river free, when the stage of water is sufficiently low to admit fording.

Proviso.

Approved, 4th February, 1846.

[No. 165.]

AN ACT

To legalize the sale of Lots in the Town of Andalusia, Covington County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a sale of lots in the town of Andalusia, in Covington county, heretofore made by the Court House Commissioners, be, and the same is hereby made valid, to all intents and purposes.

Sale of lots
made valid.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Judge of the County Court and Commissioners of Roads and Revenue, to take charge of the unsold lots, if any,

and also the remaining part of the tract of land belonging to the said county of Covington, and lay off the same into lots of any size they may think proper, not exceeding one acre, and make sale of the same at public auction, so soon as may be convenient; giving at least thirty days notice of the same, put up at the Court House in said county, and at three of the most public places in said county; and requiring of purchasers of said lots, or any part thereof, such instalments as they may think best.

May sell unsold lots.

Sec. 3. *And be it further enacted*, That so soon as any purchaser of any of the lots aforesaid, shall make full and ample payment for any lot or lots, of land so purchased, the Judge of the County Court and Commissioners of Roads and Revenue of the said county, he, and they are hereby authorized and empowered to execute and deliver deeds, conveying titles, in fee simple, to the purchasers of lots of land, spoken of in the preceding section.

Title to lots.

Sec. 4. *And be it further enacted*, That if the proceeds arising from the sales of said lots of lands, be insufficient to defray the expense of completing the Court House now erected in the town of Andalusia, the said Judge of said County Court, and said Commissioners of Roads and Revenue, be, and they are hereby authorized and empowered to levy a special tax, not to exceed thirty-five per cent. upon the amount of the State tax, to be also applied to the completion of said Court House, in the said town of Andalusia.

May levy tax.

Approved, 21st January, 1846.

[No. 166.]

AN ACT

Making provisions for the payment of Grand and Petit Jurors of Barbour county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the Judge of the County Court of the county of Barbour, together with the Commissioners of Roads and Revenue, at the first Court in each and every year, to set apart a sufficient sum of money out of the county taxes, to pay the grand and petit jurors of said county.

Provision for pay of jurors.

Sec. 2. *And be it further enacted*, That it shall be the duty of the county treasurer, of said county, after the first day of January, eighteen hundred and forty-six, to attend at the court house during the session of the Circuit and County Courts, of said county; and when the jurors are discharged, by producing the certificate of the clerk of the Circuit and County Court, to the treasurer of said county, it shall be his duty to pay said jurors the full amount of their certificates in money; and on failure of said treasu-

How paid.

rer to do so, he shall be liable to be indicted for malpractice in office, and on conviction, shall be fined a sum not less than thirty dollars, or more than fifty dollars; and also he and his securities shall be liable to be sued before any justice of the peace having jurisdiction of the same, for the amount of the certificate presented, and refused, or neglected to be paid off, according to the provisions of this act.

Sec. 3. *And be it further enacted*, That all laws contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, 21st January, 1846.

[No. 167.]

AN ACT

For the retrenchment of the Fees of certain Officers in the County of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that the clerk of the County Court of the county of Sumter, in place of the fees now allowed by law, shall receive for recording the probate of any will or testament, and for letters testamentary thereon, fifty cents; for administering oath to executors, or administrators, and taking bond, and recording the same, fifty cents; for recording one inventory, appraisement for executors, administrators, or guardian accounts, and in all other cases where the law requires instrument writing or pleadings, to be recorded, for every hundred words, ten cents; for issuing marriage license and taking bond, and for recording certificate of marriage, one dollar.

Fees of Clerk
of County
Court.

Of Circuit
Court.

Sec. 2. *And be it further enacted*, That the clerk of the Circuit Court of said county, in place of the fees now allowed by law, shall receive for recording any instrument of writing, pleadings, &c., ten cents for every hundred words, and no more.

Judge County
Court.

Sec. 3. *And be it further enacted*, That the Judge of the County Court of said county, in place of the fees now allowed by law, shall receive the following fees, upon each item hereinafter specified, to wit: for granting letters testamentary of guardianship, or of administration, seventy-five cents; on final judgments and decrees, which dispose of the entire case, the same as now allowed by law; for examining, stating, and reporting the accounts of an executor, administrator, or guardian, and for every service connected with the partial, or final settlement of an estate, one dollar.

Sec. 4. *And be it further enacted*, That hereafter all letters of guardianship granted, and issued, to any person as

guardian, for two more heirs to the same estate, shall be issued in one joint instrument or letter of guardianship, in which the names of the said heirs shall appear; and the judge and clerk granting and issuing the same, shall only be allowed to charge their respective fees, as allowed by this act for single letters of guardianship for one minor, and in all such cases the guardian shall only be required to enter into one bond jointly, for all his, or her, said wards to the same estate; which said bond shall be taken in manner and form as by law all guardian bonds are required to be, and extending and applying the conditions to and for each and all said minors; and all such guardians shall be permitted, and only required, to make and return a joint settlement, with and for his said wards, annually, or whenever legally required to make his settlement, which shall be charged for only as one settlement.

Letters of
Guardianship

Sec. 5. *And be it further enacted*, That all guardian bonds, given for the guardianship of joint heirs to the same estate, as required by the foregoing section of this act, shall be assignable, and the several judges in their respective jurisdictions, for the time being, are hereby required to make such assignment to any party aggrieved by breach of the conditions of said bond; and the said party having right of action, may sue to his or her use, and upon obtaining judgment thereon, said bond shall not be made void, except as to the party suing, and amount of judgment obtained; in other respects it shall remain in force, assignable and liable to the action of any party aggrieved in like manner as above prescribed, until the whole amount shall be recovered, or otherwise discharged.

Guardians
bonds.

Sec. 6. *And be it further enacted*, That said judge, for any interlocutory order necessary, in any case over which he may have jurisdiction, shall be allowed no fee for any order or decree except as provided for in section three; nor shall said judge receive any fee for services, in the performance and disposition of Orphans' Court business, save on the items hereinbefore specified in section three.

Judge of
County Court

Sec. 7. *And be it further enacted*, That said judge shall be allowed no fee for passing upon and allowing the claim of a creditor in cases of insolvent estates; and in all cases of insolvent estates, the said judge and clerk shall receive in place of full fees, the same pro rata that may be allowed to the creditors thereof.

Sec. 8. *And be it further enacted*, That all laws conflicting with the foregoing provisions, are hereby repealed.

Approved, 14th January, 1846.

[No. 168.]

AN ACT

In relation to the Finances of Randolph County.

Claims to be
registered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Commissioners' Court of the county of Randolph, to cause to be registered, (if the same has not been done,) all claims against said county, which may have been paid off and satisfied, and are filed in the county treasurer's office; and after the same are so registered, to destroy said claims by burning or otherwise, under such rules and regulations as they may prescribe.

And posted.

Sec. 2. *And be it further enacted,* That it shall be the duty of the county treasurer of said county, on or by the first day of the spring term of the Circuit Court of said county, in each and every year, to make out and post up on the Court house, a list of all claims against said county, together with a list of the available assets belonging to said county, so far as may be in his power to do, from the papers and records of his office.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 169.]

AN ACT

To grant certain powers to the Commissioners' Court of Roads and Revenue for the County of Lauderdale, and for other purposes.

Forfeitures
and fines to
paid into
County trea-
sury.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all fines and forfeitures to which persons or property may be subjected by the judgment, decree, or sentence of any court or magistrate, in and for said county of Lauderdale, shall be paid into the county treasury for the use of said county: *Provided however,* that this act shall not take away from any informer the rights which the law gives him to a part of the fine or forfeiture.

Attorney for
County to be
appointed.

Sec. 2. *And be it further enacted,* That the County Courts of Roads and Revenue for the county aforesaid, shall have power to appoint an attorney to attend to the interest of the county in the different Courts of the county of Lauderdale; and it shall be the duty of the attorney so appointed, in prosecuting for fines and forfeitures, to assist the solicitor of the Circuit to prosecute, and the solicitor shall not have any right to enter a *nolle prosequi*, or dismiss the prosecution without the consent of the attorney for the county; and if the attorney for the county shall

prosecute alone, he shall be entitled to the fees allowed by law to the solicitor in such cases; but if he should only assist the solicitor, he shall not be entitled to the fees, but the same shall belong to the solicitor as heretofore.

Sec. 3. *And be it further enacted*, That the collector for taxes for said county, shall not receive in payment of county taxes, nor shall the sheriff or other officer, receive in payment of fines and forfeitures, any jury tickets, or any other claims against said county, of any nature or kind whatever; but the same shall be presented to the county treasurer for payment; whose duty it shall be to register the same on the day of presentation, and pay according to priority of presentation. Jury tickets
not to be re-
ceived, &c.

Sec. 4. *And be it further enacted*, That all laws and parts of laws conflicting with this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 170.]

AN ACT

To repeal in part An Act therein referred to, in relation to the Treasury of Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of an act, entitled An Act imposing additional duties on the treasurer of Marengo county, approved twenty-ninth December, eighteen hundred and forty-one, as requires the publication of his semi-annual accounts in a newspaper, be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted*, That it shall be the duty of the county treasurer of said Marengo county, to post a copy of his accounts at the door of the Court house, in said county, and at a public place in each of the towns of Demopolis and Dayton.

Approved, 31st January, 1846.

[No. 171.]

AN ACT

Requiring the Sheriff of Cherokee County to hold an election for Tax Collector for said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sheriff of Cherokee county, is hereby required to advertise, and hold an election, on the second Monday in March next, for the purpose of electing a tax collector for said county, to fill the vacancy of William Hughes, deceased. Election,
when held.

Approved, 9th January, 1846.

[No. 172.]

AN ACT

To regulate the Assessment of Taxes in the Counties of Autauga and Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge and Commissioners of Autauga county, shall annually, on the first Monday in March, elect one assessor of taxes for each regiment in Autauga county, who shall perform the same duties and receive the same compensation as are now authorized by law in the case of other assessors.

Sec. 2. *And be it further enacted,* That the provisions of this act shall be extended to the county of Pike.

Approved, 31st January, 1846.

[No. 173.]

AN ACT

To establish Justices Courts in the County of Walker.

Courts, how held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that justices of the peace in the county of Walker, shall meet at the muster ground, in each and every beat in said county, and shall hold a court once a month, to be holden on a day to suit the convenience of said justices of the peace.

Sec. 2. *And be it further enacted,* That if one of said justices should fail to attend any of said courts, then and in that case, one of the justices of the peace shall have power to transact all business which may come before said court, or courts.

Property, how sold.

Sec. 3. *And be it further enacted,* That all property levied on by the constables of the several beats in said county, shall be sold on the same day, and at the same place, that said justices courts is held, except the property be immovable, then and in that case, the property shall be as now provided by law.

Sec. 4. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 174.]

AN ACT

To authorize the sale of land therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the tax collector is hereby authorized and directed, on two months notice given, to sell at the court house

door, any unoccupied lots or parcels of land that may be lying in Pickens county, belonging to said county, and pay over the proceeds thereof after deducting expenses, into the treasury of said county for county purposes.

Approved, 2d February 1846.

[No. 175.]

AN ACT

To compel certain persons therein named, to work on Public Roads in the County of Cherokee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That clerks of the Circuit and County Courts, sheriff, justices of the peace, teachers of schools, students, apportioners and supervisors of roads, overseers of roads and military officers, shall hereafter be compelled to work on public roads, in the county of Cherokee; any law or usage to the contrary notwithstanding.

Approved, 31st January, 1846.

[No. 176.]

AN ACT

To regulate pay of Witnesses in the County of Cherokee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all witnesses in any cause pending, or which hereafter may be instituted in either the Circuit or County Courts of Cherokee county, shall receive one dollar per day, as compensation for their services, and four cents for each mile, in travelling to and from said courts.

Pay of Witnesses.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 177.]

AN ACT

To raise the County Tax in the County of Perry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court and Commissioners of roads and revenue for the county of Perry, be, and they are hereby authorized to raise the county tax, for the county of Perry: *Provided,* the same shall not exceed forty-five per centum on the present State tax.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, 3d February, 1846.

[No. 178.]

AN ACT

To change An Act entitled An Act, to change the County line of Macon County, approved the twenty-seventh of January, eighteen hundred and forty-five.

County line
changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all that part of Macon county, lying north of the road known as the West Point and Tallassee road, east of the range line, dividing ranges twenty-three and twenty-four, and south of township line, dividing townships nineteen and twenty, be, and the same are hereby attached to Tallapoosa county.

Sec. 2. *And be it further enacted*, That the act above referred to, and passed the twenty-seventh of January, eighteen hundred and forty-five, be, and the same is hereby repealed.

Approved, 2d February, 1846.

[No. 179.]

AN ACT

To provide for the sale of Public Lots in the Town of Girard.

Lots may be
offered for
sale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the Judge of the County Court, and Commissioners of roads and revenue of the county of Russell, or a majority of them, at such time as they may think proper, to offer and expose at public sale, in the town of Girard, all the lots in said town of Girard, which may belong to the county of Russell, by first giving thirty days previous notice of the day of sale, to be posted up at the court house door, and two of the most public places in said town of Girard.

Title.

Sec. 2. *And be it further enacted*, That the Judge of the County Court and Commissioners of roads and revenue of said county, are hereby authorized to execute and convey the title of said lots to the purchasers, so soon as the purchaser has paid all of the purchase money to the county treasurer.

Sec. 3. *And be it further enacted*, That all the moneys arising from the sales of said lots shall be appropriated for county purposes.

Approved, 23d January, 1846.

[No. 180.]

AN ACT

To establish Jury trials in Justices Courts in Barbour County,
and to regulate the proceedings therein.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That from and after the passage of this act, any person being dissatisfied with the judgment of any justice of the peace, may within five days thereafter, appeal to any jury on payment of cost, and giving bond, with good and sufficient security, for the eventual condemnation money; and the justice before whom the same was originally tried, or his successor in office, or any justice of the peace of the same beat, shall issue subpœnas for all witnesses that the parties in such appeal may require. Parties may appeal on giving security.

Sec. 2. *And be it further enacted,* That all such appeals in the beat company in which the cause originated by five jurors to be drawn, impaneled, and sworn, as hereinafter directed, and in no other manner whatsoever, whose verdict shall be final and conclusive between the parties, except removed by appeal to the Circuit or County Courts; and the said jury shall be impaneled, and sworn, and the trial conducted, and the evidence admitted, in the same manner as in the Circuit or County Courts of this State. Manner of trial.

Sec. 3. *And be it further enacted,* That the method of drawing jurors for the trial of appeals in justices courts, in each company beat shall be as follows: the justice or justices, residing in each captain's beat, in conjunction with the commanding officers of said beat, shall once in every two years procure or make out a list of all persons liable to serve as jurors in the Circuit Courts, who may be residents in their respective beats, and shall write the name of every person so liable on a separate piece of paper, which shall be deposited in a box, in an apartment marked number one, and shall draw therefrom, not less than five, nor more than seven of the names so before deposited, from time to time, to try the causes so depending before them; which names so drawn, shall be entered in a book by the justice presiding at the drawing thereof, and shall be deposited in an apartment of said box, marked number two, and after all the names are drawn from number one, they shall commence drawing from number two, and so on alternately: *Provided,* that no justice shall presume to draw any jury but on a court day, and in public, and by a person not interested in any suit to be tried by said jury; and any person so drawn and summoned by a constable, five days before court, neglecting to appear, shall be fined by the justice or justices, in a sum not exceeding three dollars, unless said juror shall show sufficient cause, on oath, at the next term; and in all cases of deficiency of jurors, the constable, by the direction Jurors, how drawn and impaneled.

Proviso.

Proviso.

of the justices shall fill and complete such jurors from the bystanders: *Provided*, there shall not be less than three of the original pannel on such jury; and they shall for every days attendance, be allowed fifty cents per day, to be paid by the party who loses the case, and be taxed in the bill of cost.

Duty of Justice, &c.

Oath of Jurors.

Fees.

Sec. 4. *And be it further enacted*, That the justice of the peace shall issue a *venire facias* for the persons so drawn, returnable to the next term of said court, and it shall be the duty of the constable, at least five days before the term, to summon the jurors so drawn, either personally, or by leaving written notices at their usual places of abode to attend accordingly; and the following oath shall be administered to the jury by a justice of the peace, before any case is submitted to them, viz: You and each of you, do solemnly swear, (or affirm, as the case may be,) that you will well and truly try all issues which shall be left to your decision by the court, during this day, and a true verdict give according to the evidence; so help you God. And the following fees shall be allowed for the services herein directed to be performed; to be paid by the party cast in his suit, and be taxed in the bill of cost; to the justice for drawing the jury, making out the *venire facias*, and sitting on each case, fifty cents; to the constable for summoning the jury, returning the *venire facias*, and attending the trial, fifty cents; to the justice, for issuing each summons for the witnesses, and the witnesses for attending, and the constable for summoning the same, the same fees as are now allowed by law for such services in a justices court.

Approved, 29th January, 1846.

[No. 181.]

AN ACT

To reduce the pay of Witnesses in the County of Covington.

Pay of Witnesses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that witnesses of the Circuit and County Courts in the county of Covington, shall receive for their services only one dollar for each days attendance.

Sec. 2. *And be it further enacted*, That if any person or persons shall be summoned to attend either of the aforesaid Courts, as a witness, in more than two cases, either civil or criminal, then in that case, he, she or they, shall receive for their services only fifty cents, per each day's attendance.

Repeal.

Sec. 3. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 9th January, 1846.

[No. 182.] AN ACT

To reduce the pay of Witnesses in the Counties of Dale and Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, witnesses in the different Courts in the counties of Dale and Jackson, shall receive for their services only one dollar per day.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of his act, be, and the same are hereby repealed.

Approved, 15th January, 1846.

[No. 183.] AN ACT

To require the Clerks of Washington County to make and keep a reversed index to the several books of their offices.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the clerks of the Circuit and County Courts of Washington county, to make and keep a reversed index to all the record books of their respective offices; and the Commissioners Court of said county is hereby authorized to make suitable allowance of compensation to said clerks, for such services, out of the county treasury.

Approved, 13th January, 1846.

[No. 184.] AN ACT

To require the Judge of the County Court of Butler County to reside within five miles of the Court House, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be obligatory on the Judge of the County Court of Butler county, to reside at or within five miles of the Court House of said county.

Judge to live within five miles of Court House.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Judge, and he is hereby required to attend at the Court House on Mondays, Wednesdays and Saturdays of each week.

To attend Court House.

Sec. 3. *And be it further enacted,* That nothing herein contained shall be construed to prevent any citizen of the county from being eligible to the office of County Court Judge, who may remove within the limits prescribed, within three months next succeeding his election.

Construction of act.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1846.

[No. 185.]

AN ACT

To establish an Election Precinct in the County of Coosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an election precinct be, and the same is hereby established at the house of Henry Burrough, in the county of Coosa.

Approved, 31st January, 1846.

[No. 186.]

AN ACT

To repeal a law, to regulate Sheriffs' and Coroners' sales, so far as it applies to the County of Lowndes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that an act entitled an act, to regulate sheriffs' and coroners' sales in certain counties, approved, the twenty-third of January, eighteen hundred and forty-five, in its application to the county of Lowndes, be, and the same is hereby repealed.

Approved, 2d February, 1846.

Repeal.

[No. 187.]

AN ACT

To amend An Act, to change, in part, the mode of drawing Grand and Petit Jurors, in the Counties of Henry, Dale, and Coffee, approved, January sixteenth, eighteen hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That if the whole number of persons drawn as grand jurors for said counties, shall not attend at their respective courts, it may be lawful for the presiding Judge to order the sheriff to summon from among the by-standers, twice the number of persons competent to serve as grand jurors, to complete the pannel, from whom the requisite number shall be drawn; any law to the contrary notwithstanding.

Grand Jurors

Approved, 31st January, 1846.

[No. 188.]

AN ACT

To authorize the additional County Surveyor to live within three miles of Bellefonte.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act requiring an additional surveyor in the county of Jackson, approved, thirtieth of January, eighteen hundred and thirty-nine, to reside east of the meridian of Bellefonte, is hereby repealed, and from and after the passage of this act, it may be lawful for said surveyor to reside anywhere within three miles of Bellefonte, in said county: *Provided further,* that this act shall not interfere with any person that may live east of said town of Bellefonte. Repeal. Proviso.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 2d February, 1846.

[No. 189.]

AN ACT

For the support of Paupers in Randolph County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and Commissioners of roads and revenue in purchasing a site for a Poor House, in Randolph county, may purchase the same within any distance of the court house of said county they may think proper, not to exceed eight miles; any law to the contrary notwithstanding.

Approved, 2d February, 1846.

[No. 190.]

AN ACT

To authorize the Judge of the County Court of Jefferson County to sell certain escheated property.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for the Judge of the County Court of Jefferson county, as escheator for said county, after having given thirty days previous notice, at three or more public places in said county, to sell at public auction, the crop and other personal estate of Sam Smith, a free man of color, who recently died intestate, in said county, and whose property is escheated, on such credit as he may deem expedient. Property to be sold, &c.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Judge of the County Court, acting as escheator, to

take notes payable to him as escheator for the county of Jefferson, and his successors in office, with good and sufficient security, for the payment of all sums accruing to him by virtue of this act, and that the proceeds of said sales, shall, by the said escheator, be disposed of, and paid over as now provided by law.

Approved, 31st January, 1846.

[No. 191.]

AN ACT

For the encouragement of Education.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners of the sixteenth section school fund, in township nineteen, range two, west, of the Demopolis land district, are hereby directed to distribute the annual interest of said fund pro rata, among the several scholars residing therein, whether said scholars attend the school or schools, established by the legal officers of said township, or any other school.

Interest of
fund to be
distributed.

Pay of teachers.

Sec. 2. *And be it further enacted,* That the said Commissioners are directed to pay to any teacher of a public school that may be attended by any scholars residing within said township, the pro rata of said fund, which said scholars are entitled to, at such times within the scholastic year, as to them may seem fit, upon the production by said teacher of satisfactory evidence, that he has actually bestowed upon said scholars proper tuition for the time he claims compensation.

Sec. 3. *And be it further enacted,* That if said Commissioners shall refuse to comply with the foregoing provisions of this law, they shall be subject to the penalty of one hundred dollars, recoverable in an action of debt in the Circuit or County Court of said county, by any person thereby aggrieved; one half to the use of said person, and the other half to the use of the township.

Approved, 3d February, 1846.

[No. 192.]

AN ACT

To repeal two several acts for the County of Walker, on the subject of Commissioners of Public Buildings in said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the law establishing a board of Commissioners to superintend the public building in the county of Walker, approved, January fifteenth, eighteen hundred and twenty-eight, and also, the act passed on

Repeal.

the same subject, approved, January fourteenth, eighteen hundred and thirty-four, be, and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That the county Judge and Commissioners of roads and revenue, shall do and perform all such duties as hereafter may be required for the preservation and repairs of the public buildings of said county; and shall be allowed for their services whilst necessarily employed, one dollar per day, out of any money in the county treasury not otherwise appropriated. Duties of Co. Judge, &c.

Sec. 3. *And be it further enacted*, That all funds now remaining in the hands of said Commissioners be paid over to the county treasurer of said county, who shall receive and receipt for the same, and pay over to the order of the said Judge and Commissioners; any law to the contrary notwithstanding.

Approved, 23d January, 1846.

[No. 193.]

AN ACT

To alter and amend the Road Law, as respects the Counties of Chambers and Randolph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the acting justices of the peace, and their successors in office, in the counties of Chambers and Randolph, be, and they are hereby constituted and appointed apportioners and supervisors of the public roads in their respective beats; and it shall be the duty of the apportioners and supervisors of roads, in each and every beat in the counties of Chambers and Randolph, to assemble on the first Saturday in March next, or as soon thereafter as practicable, and on the first Saturday in March every two years thereafter, at some central or convenient place, in their respective beats, and appoint all the overseers, they may deem necessary, to keep the roads of their beats in good order. Justices appointed supervisors, &c.

Sec. 2. *And be it further enacted*, That the apportioners and supervisors shall have power, and it shall be their duty, to fill all vacancies that may occur in their respective beats, by death, removal, or otherwise, at any time, or within ten days after they may have been notified of such vacancy; and any apportioners, or supervisors failing to discharge the duties imposed by this act, shall be dealt with according to the laws now in force, for failing to apportion hands. Vacancies.

Sec. 3. *And be it further enacted*, That the constables in each of the beats in the counties aforesaid, shall serve the overseers appointed, as provided for in this act, with a written notice of their appointment as overseers of the road, and return Notice to Overseers,

the same to the clerk of the County Court of their respective counties, within thirty days from the time of the appointment of said overseers by the apportioners and supervisors, as provided in this act.

Constables
exempt, &c.

Proviso.

Sec. 4. *And be it further enacted*, That in consideration of the services of said constables in the serving and returning said notices, they shall not be liable to perform road duty : *Provided*, that any constable failing to discharge the duties required of them by the provisions of this act, shall not be entitled to the benefits of the same, and shall be subject to the same pains and penalties, as overseers of roads, for failing to discharge their duties as such.

Duty of clerks

Sec. 5. *And be it further enacted*, That the clerks of the County Courts of the counties of Chambers and Randolph, shall keep a record of the overseers of roads, returned by the constables, as provided for in this act, which record shall be evidence of their appointment as overseers of the road, in any suit at law, or indictment against them as such.

Sec. 6. *And be it further enacted*, That any overseer, who shall be appointed, as provided for in this act, and shall fail or refuse for the space of three months to act, as the law now of force directs, shall be dealt with as heretofore provided by law.

Sec. 7. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 27th January, 1846.

[No. 194.]

AN ACT

To amend the Road Laws in the County of Barbour.

Officers to
fines, &c. to
County trea-
surer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all persons or officers of Barbour county, into whose hands any moneys may come, on account of fines or forfeitures imposed upon defaulters, by the provisions of the road laws of this State, shall pay the same to the treasurer of said county, and on receiving said moneys, the treasurer shall give his receipt in writing, stating therein the date and amount of each payment, and by whom paid, and which receipt shall be filed by the person taking the same, in the office of the clerk of the Commissioners' Court in said county, and kept by said clerk for public inspection.

Duty of Over-
seers.

Sec. 2. *And be it further enacted*, That hereafter, it shall be the duty of each overseer of roads in said county, whenever persons required by law to work the roads under his charge fail so to do, to hire as many additional hands to work

the same as there may be delinquents; and each additional hand so hired, shall receive for his labor, not more than seventy-five cents per day; for which said overseer shall give an order on the treasurer of said county, who shall pay the same on presentment and demand.

Sec. 3. *And be it further enacted*, That hereafter, it shall be the duty of the treasurer of said county, to keep a separate account of all moneys received and paid out by him, under the provisions of this act, and to make a return thereof, annually to the Commissioners' Court of said county.

Approved, 3d February, 1846.

[No. 195.]

AN ACT

To regulate the Fees of Constables in the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in lieu of the fees now allowed by law, it shall be lawful for constables to demand and receive for services to be rendered within the city of Mobile, the fees hereinafter mentioned :

- | | |
|---|--|
| For serving summons in civil cases, seventy-five cents : | |
| For each search or States' warrant, one dollar : | |
| For levying an execution, seventy-five cents : | |
| For carrying persons to jail, or releasement, fifty cents : | |
| For serving notice required by law, fifty cents : | |
| For serving capias, or bail warrant, one dollar : | |
| For serving writs of seizure in admiralty, one dollar : | |
| For monition, one dollar : | |
| For making money on each execution, seventy-five cents : | |
| For levying distress warrant, one dollar : | |
| For taking bail and furnishing bond in all cases required by law, one dollar : | |
| For summoning each witness, thirty cents ; | |
| For summoning jury for coroner, or other purpose, two dollars : | |
| For levying attachment, seventy-five cents : | |
| For whipping slave, to be paid by the owner, one dollar : | |
| For attending and serving as bailiff in court for each day, one dollar and fifty cents : | |
| For keeping property levied on, such sum as the justice believes just and reasonable, out of the money in the hand of said constables, arising from the sale of said property, or received by reason of said levy : | |
| For arresting deserting seamen, the same as is now allowed by law. | |

Rate of fees.

Approved, 31st January, 1846.

[No. 196.]

AN ACT

To change the manner of summoning Jurors in the Counties of Walker and Marion.

Duties of
Clerk, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, it shall be the duty of the clerk of the County Court, in the presence of, and with the assistance of the sheriff, Judge of the County Court, and clerk of the Circuit Court, in the county of Walker, to draw the names of twenty-five persons from the list of householders and freeholders of said county, as is now provided for by law, to serve as grand and petit jurors for the county aforesaid.

Jury, how se-
lected.

Sec. 2. *And be it further enacted,* That after having drawn the number of twenty five persons, as above provided for, it shall be the duty of the clerk of the County Court, with the assistance, and in the presence of the sheriff, Judge of the County Court, and clerk of the Circuit Court of said county, to select thirteen of the most moral and intelligent persons, from the number so drawn, to serve as grand jurors for the county aforesaid, instead of the mode now provided for by law; who shall be summoned as the law now directs.

Sec. 3. *And be it further enacted,* That all other jurors in said county shall be selected from among the by-standers, and summoned according to the order of the presiding Judge.

Sec. 4. *And be it further enacted,* That the provisions of this act be extended to Marion county.

Sec. 5. *And be it further enacted,* That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 2d February, 1846.

[No. 197.]

AN ACT

In relation to the Finances of Henry County.

Claims to be
registered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Commissioners' Court of Henry county, to cause to be registered, if the same has not been done, all claims against said county which have been paid off and satisfied, and file them in the county treasurer's office; and after the same are so registered, destroy said claims, by burning, or otherwise, under such rules and regulations as they may prescribe.

Sec. 2. *And be it further enacted,* That it shall be the duty of the county treasurer of said county, on or before the first

day of the spring term of the Circuit Court, in each and every year, to make out and post upon the court house, a list of all the claims against said county, together with a list of the available assets belonging to said county, so far as it may be in his power to do, from the papers and records in his office.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 2d February, 1846.

[No. 198.]

AN ACT

To amend in part, and repeal in part, An Act entitled An Act, to locate permanently the County Site for the County of Cherokee, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of roads and revenue in the county of Cherokee, be, and they are hereby authorized and required to pass an order, requiring the county treasurer of said county, to pay over to Thomas Garrett, Joseph Wharton, Aaron Clifton, and Robert B. Hampton, now acting town Commissioners in and for the county of Cherokee, under, and by virtue of an act of the General Assembly of said State, approved, fifteenth of January, eighteen hundred and forty-four, entitled an act to locate permanently the county site for the county of Cherokee, and for other purposes, the first moneys collected on the notes given for the sale of the town of Centre, for the purpose of refunding and paying the said Commissioners the money by them expended, in purchasing the tract or tracts of land, on which said town of Centre is located; also, to pay over to said Commissioners, a sufficient sum to pay all the expenses arising out of, and incidental to, the location of said town, including the pay for their services.

Provision for
the payment
of Commis-
sioners.

Sec 2. *And be it further enacted*, That the time specified in the fifth section of said act, approved, fifteenth of January, eighteen hundred and forty-four, aforesaid, requiring said Commissioners to make a return and settlement with the said Court, and report the number of lots sold, the amount of each sale, &c., be extended to the first regular term of said Commissioners' Court, after the passage of this act.

Time of set-
tlement.

Sec. 3. *And be it further enacted*, That should a vacancy occur in the board of Commissioners, appointed under, and by virtue of an act approved, fifteenth of January, eighteen hundred and forty-four, as aforesaid, to superintend the erecting of the public buildings in the town of Centre, and county aforesaid; either by death, resignation, or otherwise, or any

Vacancies.

one or more of said Commissioners, should refuse, or fail to act as Commissioners, such vacancy shall be filled by the remaining acting Commissioners; and the town Commissioners aforesaid, are hereby empowered to name said county site.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 27th January, 1846.

[No. 199.]

AN ACT

To regulate Sheriffs' and Coroners' sales in Barbour County.

Sheriff to advertise sales. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the sheriff and coroner of the county of Barbour, in all cases, wherein they may be required by law, to expose to sale land, or negroes, to advertise the same once a week, for at least three weeks immediately preceding the day of sale, in some newspaper published in the county in which said property is to be sold.

Printer's fee. Sec. 2. *And be it further enacted*, That in all cases of advertisement as aforesaid, the said sheriff or coroner, as the case may be, shall tax in the bill of costs, the sum of two dollars, to pay for said advertisement; which sum shall be paid in the same manner, and at the same time as the other costs in the case.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 2d February, 1846.

[No. 200.]

AN ACT

To levy a Special Tax in Talladega County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of Talladega county, be, and they are hereby authorized to levy a special tax, in addition to the county tax, not to exceed eight hundred dollars, to complete the payment for building the court house in said county; and that the said Commissioners shall exercise their discretion in collecting said sum of money, either in one or two years.

Approved, 29th January, 1845.

[No. 201.]

AN ACT

To compensate Jurors summoned to try the right of property, in certain cases, in the County of Walker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that in all cases where a jury shall be summoned as is now provided by law, to try the rights of property between individuals in the county of Walker, before justices of the peace, said jury is hereby entitled to the sum of fifty cents per day, from the unsuccessful party, taxed on the bill of costs, or otherwise. Pay of jurors.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 23d January, 1846.

[No. 202.]

AN ACT

To regulate the pay of Petit Jurors in the Counties of Henry Dale, Coffee, Covington, Randolph, Pike and Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that in all cases of judgment being rendered by the verdict of a petit jury, in either the Circuit or County Courts of the Counties of Henry, Dale, Coffee, Covington, Randolph, Pike and Marshall, the successful party shall, on the rendition of the same, pay over into the hands of the proper clerks of said Courts, the sum of three dollars, to be by them taxed in the bill of costs, as provided in other cases. Successful party to pay the sum of \$3

Sec. 2. *And be it further enacted,* That in all cases, when a judgment is rendered up by the presiding Judge of the Circuit or County Courts of Henry, Dale, Coffee, Covington, Randolph, Pike and Marshall, the successful party shall pay over into the hands of the proper clerks of said Court, the sum of two dollars, to be by them taxed in the bill of costs, as now provided by law. Of \$2.

Sec. 3. *And be it further enacted,* That in all cases hereinafter of prosecutions by indictment in the Circuit Courts of the counties of Henry, Dale, Coffee, Covington, Randolph, Pike and Marshall, if the parties presented are found guilty by the verdict of a jury, or pleads guilty of the offence for which the defendant may be indicted, it shall be the duty of the proper Court to tax in the bill of costs the sum of two dollars, in addition to the amount now provided by law. In cases of indictment, &c.

Sec. 4. *And be it further enacted*, That the several sums required to be paid by the three preceding sections, shall be in lieu of the two dollars heretofore required by law to be paid over into the county treasury.

How moneys
to be disposed
of.

Sec. 5. *And be it further enacted*, That all moneys arising under the provisions of the first, second and third sections of this act, shall be paid over by the proper clerks of the counties of Henry, Dale, Coffee, Covington, Randolph, Pike and Marshall, into the hands of the foreman of the petit jurors, one half the amount so received to each foreman, upon the adjournment of the Court, on each and every day, so that the foreman may distribute the same among the several jurors, together with the tales jurors who may have served during the day.

Penalty of
Clerk for fail-
ure.

Sec. 6. *And be it further enacted*, That if any clerk of the proper Court of the aforesaid counties of Henry, Dale, Coffee, Covington, Randolph, Pike and Marshall, shall fail to comply with the foregoing provisions of this act, the same shall be fined in a sum not less than three, nor more than five hundred dollars, at the discretion of the proper Judge of either the Circuit or County Courts, when such failure may happen ; one half of the amount of such fine to the use of the informer, and the remaining half to be paid into the county treasury for the use of the proper county.

Sec. 7. *And be it further enacted*, That the Judge of the Circuit and County Courts, in the counties aforesaid, shall, before they give judgment in their respective Courts, either by default, or *nil dicit*, or suffer verdicts to be received, be satisfied that the foregoing provisions are complied with.

Sec. 8. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1846.

[No. 203.]

AN ACT

To authorize the Commissioners of Revenue and Roads of Tuscaloosa County to levy a Tax for repairs of the Court House.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners of revenue and roads of Tuscaloosa county, be authorized to levy a special tax, not exceeding twelve hundred dollars, for the purpose of such repairs as may be absolutely necessary for the court house of said county.

Approved, 3d February, 1846.

[No. 204.]

AN ACT

To appoint a Building Committee for the County of Henry, in relation to the Court House.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Gillum Moore, William Whiddon, Weeks Pippin, Aaron Odom, and Young Mann, be, and they are hereby appointed a building committee for the county of Henry, and they, or a majority of them, are hereby authorized to form a suitable plan for the court house of said county, and let the same out to the lowest bidder, by giving thirty days notice thereof, by advertisement in three or more public places in said county, and at such time as they or a majority of them may think proper. Building committee.

Sec. 2. *And be it further enacted,* That the said committee, or a majority of them, are hereby authorized to draw from the treasurer of said county, all such sum, or sums as have been collected and paid over to him, as the court house fund; to be by them appropriated for the building of the same. Funds.

Sec. 3. *And be it further enacted,* That said committee, before they enter into a discharge of the duties of their office, shall enter into bond and security, to be approved of by the Judge of the County Court, payable to the Judge of the County Court in the sum of two thousand dollars, conditioned for the faithful discharge of their duties as such building committee. To take oath.

Sec. 4. *And be it further enacted,* That it shall hereafter be the duty of the tax collectors of said county to pay over to said building committee, all such sum, or sums of money as they may collect of the fund set apart by law for the building of said court house, on or before the first Monday in November, in each and every year.

Sec. 5. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 8th January, 1846.

[No. 205]

AN ACT

To regulate the pay of Witnesses in the County and Circuit Courts of De Kalb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, all witnesses in any cause pending, or which may hereafter be instituted, in either of the Circuit or County Courts of De Kalb county, shall receive one dollar per day, as a compensation for their services,

and four cents for each mile in traveling, to and from said Courts.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 29th January, 1846.

[No. 206.]

AN ACT

To authorize a Special Tax in the County of Autauga, for County purposes.

Special tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge and Commissioners of Autauga, be, and they are hereby authorized to levy and collect a special tax, not to exceed fifty per cent. on the State tax, for county purposes: *Provided*, that the said tax shall not be imposed, unless the actual exigencies of the county shall demand it.

Approved, 29th January, 1846.

[No. 207.]

AN ACT

To authorize the Court of Revenue and Roads, of Marion County, to levy a Special Tax.

Special tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of revenue and roads for the county of Marion, be, and they are hereby authorized to levy such tax as they may deem proper, upon such articles as are now taxable by law: *Provided however*, that such levy shall be made expressly for the building of the jail in said county.

Approved, 31st January, 1846.

[No. 208.]

AN ACT

To abolish an Election Precinct therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the election precinct heretofore established at Kirkland's mill, in Henry county, be abolished, and one established in lieu thereof, at a school house near the ten mile post, on the Three Notch road.

Sec. 2. *And be it further enacted*, That an election precinct shall be established at the house of Jacob Gibson, senior, in the county of Walker.

Approved, 2d February, 1846.

[No. 209.]

AN ACT

To fix the compensation of Witnesses in the County of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter witnesses attending court either in civil or criminal cases, in the county of St. Clair, shall receive as a compensation for their attendance, one dollar per day, and four cents per mile in traveling to and from said courts, and their necessary ferriages and no more; any law to the contrary notwithstanding. Pay of Jurors

Approved, 7th January, 1846.

[No. 210]

AN ACT

For the purpose of raising a Revenue for the County of Lauderdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Commissioners Court of roads and revenue for the county of Lauderdale, be, May levy tax and the same are hereby authorized to levy such tax for said county as they may deem expedient for county purposes: *Provided,* such tax, so levied does not exceed the tax levied upon said county for State purposes.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 9th January, 1846.

[No. 211.]

AN ACT

Giving the Judge of the County Court and Commissioners of Roads and Revenue of Washington County, power to levy a County tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court and Commissioners of roads and revenue of the county of Washington, be, May levy tax and they are hereby authorized to levy a county tax, not to exceed fifty per cent. on the amount of the present State tax assessed in said county.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and they are hereby repealed.

Approved, 3d February, 1846.

[No. 212.]

AN ACT

To regulate the Assessment of Taxes for the County of Coosa.

Assessors for
each bat-
talion.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter it shall be the duty of the Commissioners' Court of Coosa county, on the first Monday in February, in each and every year, to elect one assessor of taxes for each battalion in said county, whose duty shall be the same, and whose compensation shall be regulated as now provided by law, for assessors of taxes in the different beats.

Sec. 2. *And be it further enacted,* That all laws now in force, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 213.]

AN ACT

To prevent the Judge of the County Court and Commissioners of Roads and Revenue of Dale County, from receiving any compensation for services rendered at a called Commissioners Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for the Judge of the County Court and Commissioners of roads and revenue of the county of Dale, to receive any compensation for services rendered at a called Commissioners court, by said Judge and Commissioners.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 23d January, 1846.

[No. 214.]

AN ACT

To compel certain persons to work on Public Roads in the Counties of Marshall, Washington, and Tuscaloosa.

Who liable to
work on
roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That clerks of the Circuit and County Courts, sheriffs, justices of the peace, millers, ferrymen, teachers of schools, students, apportioners, supervisors, and overseers of roads, militia officers and constables, shall hereafter be compelled to work on public roads in the county of Marshall; any law or usage to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That the provisions of this act shall be extended to the county of Washington, and also to the county of Tuscaloosa, excepting the Faculty and Students of the University of the State of Alabama, who shall be exempt from the provisions of this act.

Approved, 29th January, 1846.

[No, 215.]

AN ACT

To repeal in part An Act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the second section of an act, entitled an act to authorize the Judge of the County Court and the Commissioners of roads and revenue of Randolph county, to levy and collect a special tax and for other purposes, approved the twenty-fifth day of January, eighteen hundred and forty-five, be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted*, That the Judge of the County Court and Commissioners of roads and revenue of said county, shall in each and every year hereafter, appropriate the county tax in such manner as shall in their opinions be most conducive to the public good.

Approved, 13th January, 1846.

[No. 216.]

AN ACT

To consolidate the offices of Clerks of the Circuit and County Courts of Dale County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter one person may hold the office of Circuit clerk and County clerk, for the county of Dale: *Provided*, that the person to be elected at the next general election for Circuit clerk of said county, shall hold both offices when a vacancy occurs in the office of County clerk.

Sec. 2. *And be it further enacted*, That so soon as one person shall hold both offices by election, that the two offices shall thereafter in all elections and appointments, be held by one person, who shall be elected and qualified in the same manner now prescribed by law: *Provided*, that one bond may be given for the discharge of the duties of both offices. How qualified, &c

Sec. 3. *And be it further enacted*, That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 9th January, 1846.

[No. 217.]

AN ACT

To authorize the Judge of the County Court and Commissioners of Roads and Revenue of the County of Montgomery, to levy a special tax for the establishment of a Poor House in said County.

Special tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the Judge of the County Court and Commissioners of roads and revenue of the county of Montgomery, to levy a special tax, not exceeding five per cent. annually, for two years, on the State tax, for the purposes hereinafter expressed.

Tax, how appropriated.

Sec. 2. *And be it further enacted,* That the Judge and Commissioners aforesaid, are hereby required to appropriate the funds thus raised to the purchase of a lot of land, and the erection of a necessary building or buildings for the establishment of a poor house in said county; and that they be vested with all the powers necessary to carry into effect the objects contemplated by this act.

Approved, 9th January, 1846.

[No. 218]

AN ACT

To provide for the collection of County Taxes, in County of Jackson.

Duty of tax collector.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the tax collector of the county of Jackson, in collecting the county taxes of said county, to receive one half of said county taxes, in any claims against said county, that may have been authenticated, and are legally chargeable on the county treasury of said county.

Of Clerk.

Sec. 2. *And be it further enacted,* That it shall be the duty of the clerks of the Circuit and County Courts of said county, in collecting any county taxes, that are by law required to be paid into their respective offices, to receive one half of said county taxes in any claims against said county, that has been duly authenticated, and is legally chargeable on the county treasury of said county.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, 3d February, 1846.

[No. 219.]

AN ACT

To authorize the election of an Assessor for the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the sheriff of Barbour county to advertise, and cause to be elected by the qualified voters of said county, at each annual election, hereafter to be holden for said county of Barbour, an assessor, to assess the taxes of said county; whose duty it shall be, after giving bond with approved security to the Judge of the County Court of said county, in such sum as the Judge may require, not exceeding double the amount of taxes to be raised in any one year, conditioned for the faithful discharge of the duties of his office, and being duly qualified to assess for the county aforesaid in the same manner, and for the same compensation, now pointed out and allowed by law, to the assessor for such services, in the county aforesaid. Assessor to be elected.

Approved, 29th January, 1846.

[No. 220.]

AN ACT

To repeal the third section of An Act entitled An Act to fix the compensation of the Judge of the County Court of Mobile County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of an act entitled, an act to fix the compensation of the Judge of the County Court of Mobile county, approved the fourteenth February, eighteen hundred and forty-three, by which all appeals and certiorari from justices of the peace in said county, are directed to be returned to the County Court of said county, at the special terms of said Court, which are holden for the decision of cases in admiralty, be, and the same is hereby repealed. Repeal.

Approved, 21st January, 1846.

[No. 221.]

AN ACT

To compel certain persons in Bibb county to work on public roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Judges of the County Court, clerks of the several Courts, justices of the peace, militia officers, teachers and students of common schools,

Who liable
to work.

keepers of grist mills, that grind for toll, public ferrymen, commissioners of revenue and roads, apportioners and supervisors of hands, and sheriffs, in the county of Bibb, between eighteen and forty-five years of age, be, and they are hereby made liable to work on public roads.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, 4th February, 1846.

[No. 222.]

AN ACT

Repealing An Act entitled An Act, to repeal in part An Act therein named, as to De Kalb County, as to the tickets of Jurors.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an act entitled an act, to repeal in part an act therein named, as to De Kalb county, approved the twenty-second of January, eighteen hundred and forth-five, be, and the same is hereby repealed, and that from and after the passage of this act, all county claims including the tickets of jurors, shall be received in the payment of taxes due the said county.

Approved, 7th January, 1846.

[No. 223.]

AN ACT

To amend, in part, the Road Laws of Marion County.

Working on
roads, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all male white persons over the age of eighteen and under forty-five, in Marion county, shall be liable to work on the public roads therein, except licensed ministers of the gospel, and all regular keepers of grist mills, and such other persons as are laboring under some bodily infirmity; any law to the contrary notwithstanding.

Approved, 23d January, 1846.

[No. 224.]

AN ACT

To authorize the Commissioners' Court of the County of Sumter, to levy a Tax for County purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be lawful for the Commissioners' Court

of the county of Sumter, to levy a tax not exceeding fifty per cent. on the present State tax, for county purposes.

Approved, 21st January, 1846.

[No. 225.]

AN ACT

To change the name of the Town of Warrenton, in the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* ^{Name changed.} That the name of the town of Warrenton, in the county of Dallas, be changed to that of Richmond.

Sec. 2. *And be it further enacted,* That all acts of incorporation touching the said town of Warrenton, be, and the same are hereby made to apply to that of Richmond.

Approved, 27th January, 1845.

[No. 226.]

AN ACT

To authorize the Judge and Commissioners of Roads and Revenue, in the County of Walker, to levy an additional tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Judge of the County Court of Walker county, and Commissioners of roads and revenue, are hereby authorized to levy an additional county tax, which tax, if levied, shall not exceed fifty per cent. ^{May levy tax.} on the State tax, in any one year.

Sec. 2. *And be it further enacted,* That said additional tax, if levied, shall be discharged in any legal claims against said county, whether they be recorded or otherwise.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 3d February, 1846.

[No. 227.]

AN ACT

To establish a Precinct, in the County of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an election precinct be, and the same is hereby established at Pleasant Ridge, in Hutton's beat, in the county of Greene.

Approved, 27th January, 1846.

[No. 228.]

AN ACT

To authorize the Judge of the County Court and Commissioners of Roads and Revenue, of Pike County, to levy an extra tax, for the purpose of paying County debts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for the Judge of the County Court and Commissioners of roads and revenue of Pike county, to levy a tax upon the citizens of said county for the purpose of paying off the debts and current expenses of said county: *Provided*, the same shall not in any one year, exceed fifty per cent. upon the State tax collected in said county.

Approved, 8th January, 1846.

[No. 229.]

AN ACT

To alter and amend An Act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the first section of an act entitled an act, providing for the payment of jurors in certain counties therein named, approved January eighteenth, eighteen hundred and forty-five, as relates to the county of Conecuh, be, and the same is hereby repealed.

Approved, January 27th, 1846.

[No. 230.]

AN ACT

To authorize the Commissioners' Court of Roads and Revenue of the County of Cherokee, to allow certain claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners' Court of roads and revenue, in the county of Cherokee, be, and they are hereby authorized and required to make Asa W. Allen, of said county, such allowance for services rendered by him in the survey of said county, according to the provisions of an act, approved, December twenty-eighth, eighteen hundred and forty-one, as may be equitable and just; and said Commissioners are further required, to pass an order requiring the treasurer of said county to pay over to said Asa W. Allen, the sum so allowed out of any moneys in the treasury not otherwise appropriated.

Approved, 4th February, 1846.

[No. 231]

AN ACT

To authorize the Court of Roads and Revenue of Coffee County, to levy a Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Court of roads and revenue of Coffee county, are hereby authorized to levy a county tax, not exceeding fifty per cent. on the State tax, for county purposes. May levy tax.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, authorizing the levy of a county tax, for the said county of Coffee heretofore, be, and the same are hereby repealed.

Approved, 5th February, 1846.

[No. 232.]

AN ACT

To repeal a portion of the law relating to the duties of Grand Juries, in the County of Marion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the existing law, as makes it the duty of grand juries to send for witnesses for the purpose of hunting up, and ascertaining of the commission of small misdemeanors, when there is no prosecutor, to wit: assaults and batteries, affrays, and tippling, &c., be, and the same is hereby repealed, in the county of Marion. Repeal.

Approved, 23d January, 1846.

[No. 233.]

AN ACT

To regulate the pay of Jurors, in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, the grand and petit jurors in the county of Butler, shall, for every days attendance as such, receive one dollar and fifty cents, and the mileage heretofore allowed: *Provided,* that tales jurors shall receive only one dollar per diem. Pay of jurors.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, in conflict with this, be, and the same are hereby repealed.

Approved, 23d January, 1846.

[No. 234.]

AN ACT

To provide a Revenue for the County of Jefferson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the May levy tax. Commissioners' Court of roads and revenue in the county of Jefferson, shall have power, in their discretion, to levy a tax not exceeding fifty per cent. on the State tax, in any one year, for county purposes; any law, usage or custom to the contrary notwithstanding.

Approved, 22d January, 1846.

[No. 235.]

AN ACT

To amend An Act, in relation to the compensation of Commissioners of Revenue and Roads, in the County of Henry, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Pay of Commissioners. Commissioners of roads and revenue for the county of Henry, shall be entitled to receive for their services the sum of one dollar per day, instead of two dollars, as now provided by law.

Sec. 2. *And be it further enacted,* That said Commissioners shall not be allowed any compensation, save at the regular term of said Courts, as now regulated and authorized by law.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed

Approved, 17th January, 1846.

[No. 236.]

AN ACT

For certain purposes therein named as to Tallapoosa County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of assessors and collectors of taxes, in the county of Tallapoosa, in each and every year, to assess and collect the taxes, on all taxable property, both real and personal, which shall be situated within the limits of Tallapoosa county.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 237.]

AN ACT

To provide for the vote of the people of Marshall County, in regard to the County Site of said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That on the first Saturday in April next, an election shall be held at the several election precincts in Marshall county, at which the citizens entitled to vote for members of the Legislature, shall be authorized to vote for removal, or against removal of the county site. Election to be held.

Sec. 2. *And be it further enacted,* That the sheriff of said county shall give at least twenty days notice of said election, set up at the several places of election; and in all other respects conduct said election, under the rules and penalties prescribed in cases of elections of members of the Legislature, making return thereof within three days. Notice to be given.

Sec. 3. *And be it further enacted,* That in the event that a majority of the lawful votes of said county shall be cast against removal, then it shall be the duty of the Court of Commissioners of Revenue and Roads of said county, at the first session of said Court, after the determination of said election, to proceed to provide for the erection of a Court house at the present site, under the following regulations, that is to say: First—that a plan of a proper Court house shall be caused to be drafted, suitable to said county. Second—that a notice of thirty days, to be published in the Democrat newspaper published at Huntsville, shall be given, of the contracting for the building the said Court house, with the lowest bidder, which advertisement shall specify the plan, the materials, and time of payment of said contract. Third—that no contract shall be made, stipulating any other mode of payment, than one third, annually. Fourth—that the bond and surety of the contractor shall be taken, conditioned for the prompt and faithful execution of the contract, in a workmanlike manner; which bond shall be in a penalty double the amount of the sum agreed to be paid, and payable to the judge of the County Court of Marshall county, and his successors in office. Erection of Court House.

Sec. 4. *And be it further enacted,* That the said Court are authorized, in order to carry out the provisions of this act, in the event of no removal being voted for, to lay, assess, and collect, in the manner in which the State and County taxes are assessed and collected, such annual tax as may be actually necessary to comply with the said contract, on the part of the county; which taxes shall be assessed upon such subjects as are now, by law, liable to taxation: *Provided,* that no tax shall be levied upon any lands in said county, until the lands May levy tax. Proviso.

that were entered in the years eighteen hundred and forty-two and eighteen hundred and forty-three, are subject to taxation.

Taxes, how
applied.

Sec. 5. *And be it further enacted*, That any fund arising from taxation, as hereby authorized, shall be kept separate, and be applied as directed, to the payment of all expenses incurred in and about said Court house.

Sec. 6. *And be it further enacted*, That the commissioners heretofore appointed, shall, on or before the first day of June next, make return of and deliver to the said Court, all matters connected with the sales of lots by them, and of moneys received; together with all papers having relation thereto.

Lots may be
sold, &c.

Sec. 7. *And be it further enacted*, That the said Court shall, as they think the public interest requires, proceed to sell and convey the unsold lots at the town of Warrenton, and apply the proceeds to the payment of any balance of moneys due for building a jail first, and the balance to the building, of a Court house.

Sec. 8. *And be it further enacted*, That all laws and parts of laws, conflicting with the provisions of this act, are hereby repealed.

Approved, 31st January, 1846.

[No. 238.]

AN ACT

To run and mark in part the County Line between the Counties of Jefferson and St. Clair, and for other purposes.

Commission-
ers to run and
mark line.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John R. Strange, of St. Clair county, and such other person as may be selected by the Judge of the County Court and Commissioners of Roads and Revenue of Jefferson county, be, and they are hereby authorized to act as Commissioners, to run and mark that part of the line between the counties of Jefferson and St. Clair; beginning at Givin's old place, and running to the Cahawba river, in conformity with the act, to alter and extend the bounds of Jefferson county, and for other purposes, approved December twenty, eighteen hundred and twenty-six.

Proviso.

May employ
surveyor, &c.

Sec. 2. *And be it further enacted*, That said commissioners shall by the first day of June next, employ some competent person as surveyor, and also suitable persons as chain carriers and marker, whose duty it shall be as soon as practicable after their employment, to proceed to run and mark the aforesaid part of said line between said counties of Jefferson and St. Clair.

Sec. 3. *And be it further enacted*, That it shall be the duty of the surveyor, at an early day after the said line has been

run and marked, to make out two reports in writing of said part of said line, and transmit one of said reports to the Judge of the County Court of Jefferson county, and the other to the Judge of the County Court of St. Clair county, to be recorded in the office of the Clerk of the County Court of each of said counties.

To make out reports.

Sec. 4. *And be it further enacted*, That the Commissioners' Courts of Roads and Revenue of each of said counties, at the first term after the said surveyor shall make and transmit his reports as aforesaid, make an order allowing to said surveyor, chain carriers and marker, one half of such sum as they may deem reasonable for the services rendered, to be paid out of any money in the treasury of said counties not otherwise appropriated.

Pay of surveyor, &c.

Sec. 5. *And be it further enacted*, That the said John R. Strange, of the county of St. Clair, and such other person as may be appointed by the Judge of the County Court and Commissioners of Roads and Revenue of Jefferson county, be allowed the sum of two dollars per day for their services as commissioners; to be paid out of any moneys in the treasuries of said counties, not otherwise appropriated; each county paying one half.

Of Commissioners.

Approved, 13th January, 1846.

[No. 239.]

AN ACT

To compel certain persons therein named to work on Public Roads in Jefferson, St. Clair, De Kalb, Washington, and Tuscaloosa Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter clerks of the Circuit and County Courts, sheriffs, justices of the peace, constables, teachers of schools, students, apportioners and overseers of roads, commissioners of roads and revenue, and militia officers, shall hereafter be compelled to work on public roads in the counties of Jefferson, St. Clair, De Kalb, and Washington.

Who to work on roads.

Sec. 2. *And be it further enacted*, That the provisions of this act shall apply to the county of Tuscaloosa, with the exception of teachers of schools and students.

Approved, 13th January, 1846.

[No. 240.]

AN ACT

To compensate Jurors in Walker County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all per-

Persons
ing suits to
pay jury, &c.

sons bringing suits in any of the Courts of record in Walker county, shall be bound by this act to pay the sum of three dollars to the jury trying the same, before the rendition of said verdict, and shall be taxed in the bill of costs against the unsuccessful party.

Sec. 2. *And be it further enacted*, That this act shall not be so construed as to allow the said jurors more than they are now entitled to by law; and if any surplus should arise, it shall be paid over to the county treasurer for county purposes.

Duty of clerk.

Sec. 3. *And be it further enacted*, That it shall be the duty of the clerk of said county to keep a correct account of all such so paid over, and shall pay out share and share alike to the jurors, and issue his certificate for any balances, if any, and pay over all surpluses to the county treasurer as aforesaid.

Approved, 23d January, 1846.

[No. 241.]

AN ACT

For certain purposes therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the Judge of the County Court of Barbour county, shall keep his office and reside within one mile of the Court house of said county.

Approved, 17th December, 1845.

[No. 242.]

AN ACT

To provide for the Election of Commissioners of Roads and Revenue in the County of Covington.

Election for
Commission-
ers to be held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an election shall be held on the first Monday in March next, in the several beats in Covington county, in which there is no Commissioner of roads and revenue at present residing, for a Commissioner of revenue and roads; who shall hold their several offices, until the next general election for Commissioners of roads and revenue in said county.

Sec. 2. *And be it further enacted*, That at the next general election in said county for Commissioners of roads and revenue, it shall be the duty of the sheriff of said county to hold an election in each beat in said county, for a Commissioner of roads and revenue, who shall be resident of the beat in which he is elected.

Sec. 3. *And be it further enacted*, That the election pro-

vided for by the first section of this act, shall be held by the sheriff, as in cases of an election for representatives in the General Assembly.

Approved, 3d February, 1846.

[No. 243.]

AN ACT

To repeal An Act so far as relates to Marshall County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the law requiring justices of the peace in Marshall county to hold monthly Courts, be, and the same is hereby repealed; any law or usage to the contrary notwithstanding. Repeal.

Approved, 19th January, 1846.

[No. 244.]

AN ACT

To authorize a Special Tax in Autauga and Lowndes Counties, for County purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge and Commissioners of Autauga and Lowndes counties, be, and they are hereby authorized to levy and collect a tax in said counties, for county purposes, not to exceed fifty per cent. upon the present State tax : *Provided,* that the said tax shall not be imposed unless the actual exigencies of said counties demand it. Special tax.

Approved, 23d January, 1846.

[No. 245.]

AN ACT

Consolidating the offices of Assessor and Tax Collector in Fayette County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act the mode of assessing and collecting the tax of Fayette county, shall conform to the law of twenty-seventh January, eighteen hundred and forty-five, consolidating the offices of assessors and tax collectors therein named : *Provided,* such assessor and collector shall not be entitled to receive more than the commissions now allowed by law for such services rendered, by such assessor and collector. Offices of assessor and collector consolidated.

Sec. 2. *And be it further enacted,* That the provisions of

this act shall be, and the same are hereby extended to the county of Jefferson.

Sec. 3. *And be it further enacted*, That the judge of the County Court and Commissioners of roads and revenue, in the county of Morgan, shall appoint one assessor in said county, in the same manner as now prescribed by law, who shall give bond and security, and assess the taxes of said county according to law; any law to the contrary notwithstanding.

Approved, 4th February, 1846.

[No. 246.]

AN ACT

To amend an act to establish lost Records in Henry County.

Additional
Commission-
ers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John B. Taylor and William R. Kelly, be added to the commissioners heretofore appointed by an act to establish the lost records of Henry county, approved February fourteenth, eighteen hundred and forty-three, with the same power and authority conferred on said commissioners under said act.

Pay of, &c.

Sec. 2. *And be it further enacted*, That said commissioners shall be entitled to receive of and from the party at whose instance said services are performed, the sum of two dollars each, for each day they are engaged in the performance of said services; any law to the contrary notwithstanding.

Approved, 27th January, 1846.

[No. 247.]

AN ACT

To reduce and pay the expenses of the County of Shelby, and for other purposes.

May levy tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Commissioners' Court of roads and revenue of the county of Shelby, is hereby authorized at the first or second term thereof, in each year, to levy and assess a tax for county purposes, as nearly equal to the demands against said county as can be ascertained, not exceeding twenty-five per cent. on the present State tax.

Special tax.

Sec. 2. *And be it further enacted*, That said court is hereby authorized, if deemed advisable, to levy a special tax in addition to the foregoing, not exceeding in amount, the sum of two hundred and fifty dollars, for the purpose of carrying into effect the provisions of an act, approved January the fifteenth, eighteen hundred and forty-four, entitled an act for the support of paupers in the county of Shelby.

Sec. 3. *And be it further enacted*, That no compensation shall be allowed for ex-officio services to any officer of said county, excepting to the clerk of the County Court and the sheriff of said county, who shall each be allowed the sum of twenty-five dollars per annum, for all ex-officio services by them performed, and no more; to be paid out of the county treasury, on the certificate of the Commissioners' Court thereof.

Ex-officio ser-
vices of clerk.
&c.

Sec. 4. *And be it further enacted*, That hereafter the Commissioners' Court of roads and revenue of said county, shall allow as compensation to the county treasurer of said county, not exceeding five per cent. upon the moneys which he may pay out.

Treasurer.

Sec. 5. *And be it further enacted*, That hereafter not more than fifteen persons shall be drawn and summoned as petit jurors for any one term of the Circuit Court of said county, who shall be drawn, summoned, and attend as now required by law.

Petit jurors

Sec. 6. *And be it further enacted*, That from and after the passage of this act, no jury shall be drawn for the County Court of said county: *Provided*, that at any term of said court, if found necessary, a jury shall forthwith be summoned by the sheriff.

Sec. 7. *And be it further enacted*, That so much of an act in Clay's Digest, page five hundred and six, section eight; and in the Military Code, page thirty-nine, section twenty-one, as relates to exemption from working on public roads, be, and the same is hereby repealed, as to said county; and that hereafter, all free white male persons in said county, between eighteen and forty-five years of age, and all male slaves, and other persons of color, over sixteen, and under fifty years of age, excepting licensed ministers of the gospel, teachers of common schools and academies, and keepers of grist mills that grind for toll, or unless exempt by some actual or reasonable inability, shall be liable to work on, clear out, and repair the public roads.

Repeal.

To work on
roads.

Sec. 8. *And be it further enacted*, That from and after the passage of this act, it shall be the duty of the tax collector of the county of Shelby, to assess the tax of said county, and perform all the duties of assessor, under the same rules, restrictions, and regulations as are now imposed on assessors by law.

Duty of Tax
Collector.

Sec. 9. *And be it further enacted*, That the collector aforesaid, shall assess the taxes of said county by beats, observing to keep separate, in said assessment, the names of tax-payers and their taxable property; and after the said collector shall have completed the assessment of said county, as in this section directed, it is hereby further made the duty of said tax collector, on or before the first day of August, in each and every year, to post up at the muster ground, in each captain's beat, a list of the names of the tax payers in said beat, together with their taxable property, and the amount of taxes due from each separately as assessed; and in case of failure to perform the

duties herein required, said tax collector shall forfeit and pay the sum of five hundred dollars, to be recovered before any court having jurisdiction thereof; one half to the informer and the other half to the use of the State.

Sec. 10. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 4th February, 1846.

[No. 248.]

AN ACT

To change in part the mode of drawing Grand and Petit Jurors for Jefferson County.

Jurors, how
drawn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter it shall be the duty of the clerk of the County Court, in the presence of, and with the assistance of the sheriff, judge of the County Court, and clerk of the Circuit Court, in the county of Jefferson, to draw the names of forty persons from the list of householders and freeholders, as is now provided for by law, to serve as grand and petit jurors for the county aforesaid.

Grand Jurors

Sec. 2. *And be it further enacted*, That after having drawn the number of forty persons as above provided for, it shall be the duty of the clerk of the County Court, with the assistance and presence of the sheriff, judge of the County Court and clerk of the Circuit Court, of the county aforesaid, to select fifteen, who they may suppose to be the most moral and intelligent persons from the number so drawn, to serve as grand jurors for the county aforesaid, instead of the mode now provided for by law, who shall be summoned as the law now directs.

Petit Jurors:

Sec. 3. *And be it further enacted*, That the persons remaining shall be summoned to serve as petit jurors in the manner now provided for; any law to the contrary notwithstanding.

Approved, 23d January, 1846.

[No. 249.]

AN ACT

To repeal in part An Act now in force for the collection of debts before Justices of the Peace in Walker County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for any person or persons to be sued at law out of the beat they reside in, in the county of Walker.

Sec. 2. *And be it further enacted*, That if at any time there should not be a competent justice of the peace, living in the beat where such person or persons so to be sued may reside, then, and in that case, the defendant shall be tried in some adjoining beat to the one of his residence.

Approved, 27th January, 1846.

[No. 250.]

AN ACT

Providing a compensation for Commissioners of Roads and Revenue in the County of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Commissioners of roads and revenue in the county of St. Clair, shall receive as a compensation for Pay of. their services, the sum of one dollar per day, during their necessary attendance in discharge of their duties as such Commissioners, and four cents per mile in traveling to and from the place of holding their courts, and all ferriages; to be paid out of the county treasury.

Approved, 21st January, 1846.

[No. 251.]

AN ACT

To change in part the mode of drawing Grand and Petit Jurors for the Counties of Henry, Dale and Coffee, approved sixteenth January, eighteen hundred and forty-five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that an act to change in part the mode of drawing grand and petit jurors for the counties of Henry, Dale and Coffee, approved the sixteenth day of January, A. D. eighteen hundred and forty-five, be, and the same is hereby repealed, so far as relates to the county of Coffee. Repeal.

Sec. 2. *And be it further enacted*, That the provisions of the foregoing section shall apply to the county of Dale.

Approved, 13th January, 1846.

[No. 252.]

AN ACT

To alter the mode of drawing Jurors in the Counties of Jackson, De Kalb, Marshall and Covington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be lawful for the sheriffs of the counties of Jackson, De Kalb and Marshall, to summon petit jurors for the trial of any cause in the County Courts of said counties, out

of the by-standers and citizens of the towns of Bellefonte, Lebanon, and Warrenton, (or county seats of said counties,) from time to time as they may be needed without summoning a regular venire, as now provided for in such cases.

Sec. 2. *And be it further enacted*, That hereafter it shall be lawful for the sheriffs of the aforesaid counties of Jackson, De Kalb and Marshall, to summon under the rules and regulations now provided for by law, but twelve petit jurors for the Circuit Courts of the aforesaid counties, which jurors shall not be summoned to attend before the second day of each term.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed, so far as to the counties of Jackson, De Kalb and Marshall.

Sec. 4. *And be it further enacted*, That the provisions of the second section of the above act, shall extend to the county of Covington.

Approved, 13th January, 1846.

[No. 253.]

AN ACT

For the relief of Township nineteen, Range eight, in Talladega County.

Whereas, it satisfactorily appears, that in the year eighteen hundred and forty-one, a school was taught in township nineteen, and range eight, in Talladega county, by John M. Pitts, having in charge seventeen pupils for six months of that year; that the subscribers to said school, being residents of said township, actually sent to the said school, and subscribed a sum of money, equal to one-third of one hundred and two dollars, that the latter sum (one hundred and two dollars) is actually required to pay the tuition fees due said Pitts, for teaching said school; and that trustees were duly elected during that year in said township; that application has been made to the president and directors of the Bank of the State of Alabama, and the several Branches thereof, under and in conformity with an act of the Legislature, approved the third of February, A. D. eighteen hundred and forty, to raise a school fund in aid of the valueless sixteenth sections of this State, and that said Bank and Branches, have refused to pay the amount of money, or any part thereof, to which said township is entitled: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Moses Hearn, Allen C. Caldwell and Isaac Frezell, commissioners of said township, by themselves or the agents of them, or either of them, be, and they are hereby authorized to draw from the Bank of the State of Alabama, at Tuscaloosa, for the

Number of
jurors to be
summoned.

Preamble.

benefit of said township, the said sum of one hundred and two dollars, together with interest thereon from the first day of January, A. D., eighteen hundred and forty-two.

Approved, 13th January, 1846.

[No. 254.]

AN ACT

To rescind certain contracts for purchase of Sixteenth Section in Township twenty-two, Range three, in the County of Sumter, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin D. Turner be discharged from the notes which he gave to the Bank of the State, for the purchase of the sixteenth section, or some part of the sixteenth section, in township twenty-two, of range three, west, in the Tuscaloosa Land District, and that notes be surrendered to said Turner: *Provided*, that said Turner shall first pay up all the interest which has accrued on said notes, and also all costs of suit and charges, and expenses incurred by reason of any suit or proceedings thereon, and shall surrender any certificate of purchase which he may have. Contracts rescinded.

Sec. 2. *And be it further enacted,* That the provisions of this act extend to Elisha Meredith, and the heirs of Joel W. Winston, deceased, and that the cashier of said Bank be required to refund to the administrator of said estate the purchase money for said land, interest excepted, on a certificate that the heirs or their representatives have signed a written assent to the same; and shall surrender the certificate of purchase to said land, and the written assent of a majority of the inhabitants be had to the rescission of said contracts or sales. Proviso.

Sec. 3. *And be it further enacted,* That the citizens of township twenty-four, of range twelve, east, in the county of Shelby, be, and they are hereby authorized to rescind the contract of sale of the sixteenth section of said township, in whole, or in part, and when said contract shall have been rescinded by the consent of the purchasers, or their assigns, as aforesaid, the Bank of the State of Alabama is hereby required to deliver up to the purchasers, in whole, or in part, upon the production by them, their representatives, or assigns, of the certificate of purchase, the notes executed for the purchase money.

Approved, 3d February, 1846.

[No. 255.]

AN ACT

To authorize the inhabitants of certain Townships to rescind the contracts of sale of the Sixteenth Sections or parts thereof.

May rescind
contracts.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a majority of the qualified voters residing in township nineteen, of range three, west, in the county of Sumter, are hereby authorized and empowered to rescind the sale made by them on the eighteenth day of September, eighteen hundred and thirty-seven, to lots number two, three, four, six, seven, and eight, of the sixteenth section in said township, to Dilliard S. Payne, as principal, and William Payne and George Payne, as securities, with the consent of the said William, and the heirs or legal representatives of the said Dilliard and George; and a majority of the said voters resident in said township, may enter, or cause to be entered, satisfaction of any and all judgments, against the said William, Dilliard, and George, for the purchase of said lots; and to do and perform all acts necessary to be done in rescinding the said contracts of sale: *Provided*, the said purchasers shall give up the certificate or certificates of purchase, and agree to rescind and annul the said contracts: *And provided further*, that no part of the purchase money of the said lots shall be returned to the said purchasers.

Approved, 2d February, 1846.

[No. 256.]

AN ACT

In aid of Free Schools, in the City of Mobile.

Preamble.

Whereas, it has been represented that a free school has been established by the Methodist connection, in the city of Mobile, for the instruction of children, without distinction of faith: Therefore,

How school
tax may be
appropriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any person hereafter paying school taxes in the county of Mobile, may, at the time of paying the same to the collector, direct the same to be appropriated to the free school now in existence, under the charge of the connection aforesaid; which direction shall be given in writing, signed by the person paying the school tax.

Duty of tax
collector.

Sec. 2. *And be it further enacted,* That it shall be the duty of the tax collector, to return the said written directions he shall so receive to the school commissioners of the city of Mobile, and it shall be their duty, out of the school tax, received by them in each and every year, to appropriate and cause to be paid over to the trustees having charge of said

free school, the amount of the school taxes, which the individuals paying the same shall direct to be thus appropriated: *Provided*, the sum so to be paid over shall not amount, in any one year, to more than eight hundred dollars: *And provided* Proviso. *also*, that admission to said school shall be free to all children, under such rules as the persons thus appropriating their school tax shall direct.

Sec. 3. *And be it further enacted*, That this act shall extend only to the common and ordinary school tax assessed against the citizens of the county generally, and not to any tax upon auction sales.

Sec. 4. *And be it further enacted*, That all acts and parts of acts, contravening the foregoing provisions, be, and they are hereby repealed.

Approved, 4th February, 1846.

[No. 257.]

AN ACT

For the relief of the purchasers of Section Sixteen, in Township thirteen, Range twenty-seven, in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the contract for the sale of the sixteenth section, in township thirteen, range twenty-seven, in the county of Barbour, to George W. Love, be, and the same is hereby canceled, and the Branch Bank at Montgomery shall return the notes executed for the purchase money to the makers thereof, upon condition that the heirs, legal representatives, or assignees of the said George W. Love, consent to rescind said contract, and place the inhabitants of said township in possession of said sixteenth section. Contract may be rescinded.

Sec. 2. *And be it further enacted*, That the certificate of the Commissioners of said township, shall be sufficient evidence to said Bank, that the said contract has been rescinded, and shall authorize the said Bank to deliver the said notes to the makers thereof: *Provided*, that the assent of the inhabitants, by election be first had.

Approved, 3d February, 1846.

[No. 258.]

AN ACT

To rescind a certain contract therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Joseph R. Bedill, of the county of Macon, be relieved from the payment of any note or notes heretofore made

Relieved from
payment of
notes.

or given by him to the Branch Bank of the State of Alabama at Montgomery, or to the school commissioners of township nineteen, of range twenty five, of the Tallapoosa Land District, for the purchase of the north east quarter of section nine, of township nineteen, and range twenty-five, school lands, in lieu of the sixteenth section in said township.

Bank may
deliver up
notes.

Sec. 2. *And be it further enacted*, That the said Branch Bank at Montgomery, is authorized and required to deliver up to the said Joseph R. Bedill, his said note or notes or any other evidence of indebtedness, whenever the said Joseph R. Bedill shall exhibit to the said Bank, satisfactory proof, that a majority of the voters of said township are willing said contract shall be rescinded; the school commissioners or a majority them, of the township, and in the event of there being no acting commissioners, then a majority of the last acting commissioners, shall certify that the list contains a majority of the legal voters of said township, which proof shall be deemed sufficient.

Sec. 3. *And be it further enacted*, That said contract is hereby fully rescinded and abrogated, and said school land reverts to said township, fully and to all intents and purposes, as it was before said sale and purchase: *Provided*, the said Joseph R. Bedill gives his consent to the rescinding of said contract: *Provided*, he shall pay all cost that may have accrued on any suit for the payment of the notes aforesaid.

Approved, 24th January, 1846.

[No. 259.]

AN ACT

To authorize the inhabitants of Township twenty-two, of Range two, East, in the County of Greene, to rescind the contract of sale of the Sixteenth Section of said Township.

May rescind
contract.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the inhabitants of township twenty-two, of range two, east, in the county of Greene, be, and they are hereby authorized to rescind the contract of sale, of the west half, of the north west quarter, of the sixteenth section of said township, to John Hill, by and with the consent of Jephtha H. Head, and Henry N. Head, assignees of the said Hill.

Sec. 2. *And be it further enacted*, That the Bank of the State of Alabama, shall upon the presentation of the certificate of the Commissioners of said township, that the said contract has been rescinded, return to the said Jephtha H. Head and Henry N. Head, their notes executed for the purchase of the west half of the said quarter section.

Approved, 3d February, 1846.

[No. 260.]

AN ACT

To authorize the Commissioners of Township sixteen, and Range twelve, in Dallas County, to purchase land, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners of township sixteen, and range twelve, in the county of Dallas, be, and they are hereby authorized to purchase and hold, for the use and benefit of said township, any amount of land, not to exceed fifteen acres; and they are further authorized to appropriate any sum, not exceeding five hundred dollars, of the interest of the sixteenth section fund, for the purchase of the same, and the erection of suitable buildings for the use and benefit of schools in said township: *Provided*, the same can be done without detriment to the township school: *And provided further*, that a majority of the citizens of said township shall first give their assent in township meeting, or in writing, to the Commissioners.

May purchase land, &c.

Proviso.

Approved, 29th January, 1846.

[No. 261.]

AN ACT

To rescind the sale of the South-East quarter and the East half of the South-West quarter of Section sixteen, in Township twenty-one, and Range twenty-six, in the County of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Cashier of the Branch Bank of the State of Alabama, at Montgomery, be, and he is hereby authorized to deliver up to Guilford P. Gilder, all notes or evidence of debt now in said Branch Bank, against said Guilford P. Gilder, which was given for the purchase of the south-east quarter and east half of the south-west quarter of section sixteen, in township twenty-one, range twenty-six, in the county of Chambers: *Provided*, said Guilford P. Gilder shall pay all cost that may have accrued in the suing out of the notes given for the purchase money: *And provided further*, that all moneys heretofore paid on said notes, shall be retained to the credit of the Commissioners of said sixteenth section: *And provided further*, that the said Guilford P. Gilder, before the said Bank shall deliver up said notes, shall consent to rescind the said contract of sale, and deliver the possession of said land to the said township.

Bank authorized to deliver up notes.

Proviso.

Approved, 31st January, 1846.

[No. 262.]

AN ACT

For the relief of William Powell and others, in the purchase of Sixteenth Sections.

Bank may
cancel notes,
&c.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the president and directors of the Branch of the Bank of the State of Alabama, at Mobile, be, and they are hereby authorized and required to cancel the notes or bonds given by William Powell, to secure the purchase money of so much school lands in township fifteen, range two, west, and south-west quarter of sixteenth section in said township, in the county of Sumter, given for the purchase of said land: *Provided*, that all the citizens of said township respectively, as well as the makers of said note or notes, or bonds, shall first file in said Bank their assent in writing to the rescission of the contract above named, which shall be authenticated by the Judge or Clerk of the County Court of Sumter: *And provided further*, that the said William Powell shall deliver up to the Commissioners of said school lands respectively, his certificate of purchase, and pay all costs which have accrued, by suit or otherwise, on said notes or bonds.

Provisions to
be extended.

Sec. 2. *And be it further enacted*, That the provisions of the first section of this act, together with the requisitions and restrictions, be extended to William Caskey and William Mawhinney, for the purchase of the north-west quarter of sixteenth section, township fifteen, range two, west, in Sumter county.

Sec. 3. *And be it further enacted*, That the provisions of the first section of this act, together with all the requisitions and restrictions, be extended to Abraham Pennington, for the purchase of the north-west quarter of section sixteen, township fifteen, range one, west, in Sumter county, and the president and directors of the Bank of the State of Alabama, at Tuscaloosa, be, and they are hereby required to cancel said contract with said Pennington, according to the provisions of the first section of this act.

Approved, 3d February, 1846.

[No. 263.]

AN ACT

In relation to the rescission of certain contracts of purchase of parts of the Sixteenth Sections, in the County of Tallapoosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the assent of a majority of all the qualified voters of the township, being first had and obtained, together

with the consent in writing of the makers of the notes given for the purchase money, or their legal representatives, the Commissioners in township twenty-two, in Tallapoosa county, State of Alabama, be, and they are hereby authorized to rescind the contracts of sale of the north-west quarter of section sixteen, township twenty-two, range twenty-one, in Tallapoosa county, heretofore made to Elijah McLemore and Algernon S. Ely, of said county; and the contracts of sale of the south-west quarter of the same section, township and range, in said county, heretofore made to Benjamin Young, Martin T. Ellis, and Algernon S. Ely, of said county: *Provided nevertheless*, that the legal representatives of the said Elijah McLemore, and Benjamin Young, late of said county, and now deceased, and the said Algernon S. Ely and Martin T. Ellis, assent to the same: *And provided further*, that said Commissioners shall have and obtain the consent of a majority of all the qualified voters aforesaid, before they proceed to rescind said contracts; and the cashier of the Branch of the Bank of the State of Alabama, at Montgomery is hereby authorized and required to deliver up to the legal representatives of the said Elijah McLemore and Benjamin Young, deceased, and the said Algernon S. Ely and Martin T. Ellis, the notes executed by them for the purchase money of the aforesaid portions of the aforesaid section and township, upon the presentation of a certificate of said Commissioners, properly authenticated, setting forth that a majority of all the qualified voters in said township have assented to a rescission of said contracts; and that the legal representatives of Elijah McLemore, and Benjamin Young, and the said Algernon S. Ely and Martin T. Ellis, have also agreed thereto, and that they have surrendered said lands to said Commissioners, to be reinvested in the inhabitants of said township, in the same manner as though the same had never been sold.

Contract may
be rescinded.

Proviso

Sec. 2. *And be it further enacted*, That if suit shall have been instituted on the aforesaid notes for the purchase of said lands, or either of them, and shall have been prosecuted to judgment, and execution issued against the makers of said notes, or their legal representatives, or either or any one of them, then, and in that case, all further proceedings shall be stayed and arrested, and the said judgment and execution shall cease to have any further force, validity or effect: *Provided*, a majority of all the qualified voters in said township, and the makers of the notes, who are alive, and the legal representatives of those who are dead, shall first assent to the rescission of said contracts, and surrender the lands to the Commissioners of said township: *And provided further*, that before said judgment and execution shall be stayed, or cease to have their proper effect and validity, a certificate shall be given

Suits may be
arrested, &c.

Proviso.

by the Commissioners, setting forth the same facts, and corresponding in every other respect with the certificate required to be given by the first section of this act, requiring the cashier to deliver up the notes given for the purchase money of said lands: *And provided further*, that all costs which may have accrued, shall be first paid by the parties sued.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 31st January, 1846.

[No. 264.]

AN ACT

To confirm a certain contract therein named.

Contract
confirmed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the agreement entered into between J. C. Boyd, and the citizens and commissioners of township fifteen, and range twenty-three, be, and the same is hereby confirmed: *Provided*, that Boyd shall pay all costs which may have, or shall hereafter accrue; any law to the contrary notwithstanding.

Payment to
be secured.

Sec. 2. *And be it further enacted*, That the said J. C. Boyd shall effectually secure the payment of four thousand dollars, in addition to the sum of fourteen hundred dollars already paid; and that the assent of a majority of the citizens, commissioners and purchasers, has been obtained to this effect.

Approved, 31st January, 1846.

[No. 265.]

AN ACT

For the relief of the inhabitants of Township five, Range five, in Morgan County.

Funds, how
to be drawn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall not be lawful for any citizen of township five, and range five, west, in the county of Morgan, to draw any portion of the funds of the sixteenth section of said township, to pay for the tuition of their children, or wards, unless said children or wards shall be sent to school in said township, or to some school, in an adjoining township, more convenient to the residence of such students than the school in said township five and range five.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 26th January, 1846.

[No. 266.]

AN ACT

To authorize the Cashier of the State Bank to deliver certain notes to the School Commissioners of Township twenty-one, Range four, east, Coosa Land District.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama is hereby authorized and required, upon the application of the school commissioners of township twenty-one, range four, east, in the Coosa Land District, to deliver the note, or notes, made by James T. Lindsay, for the purchase of the east half of the south west quarter of section sixteen, in the above named township.

Approved, 3d February, 1846.

[No. 267.]

AN ACT

To extend certain Sixteen Section notes therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the President and Directors of the State Bank and its several Branches are hereby required to permit those persons indebted for the purchase money of the sixteenth section, in township fourteen, range eight, east, in the Coosa Land District, to extend their note or notes, now due, or running to maturity, given for the purchase of said sixteenth section, for one year, from the time when such note or notes may fall due, by their paying the interest on the same, and giving additional security, if deemed necessary: *Provided*, the said Bank or Branch Bank, shall require as a condition precedent to such extension, the written consent of the securities thereto: *And provided*, the provisions of this bill shall be extended to the citizens of township eighteen, and range thirty, in Russell county.

Time of payment extended.

Proviso.

Approved, 31st January, 1846.

[No. 268.]

AN ACT

In relation to Sixteenth Sections, as to the County of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions an act in relation to sixteen sections, approved, third February, eighteen hundred and forty, be extended to the county of Tuscaloosa; any law to the contrary notwithstanding.

Approved, 29th January, 1846.

[No. 269.]

AN ACT

To repeal An Act to consolidate Township fifteen, of Range thirty and thirty-one in Russell County.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act to consolidate township fifteen, of range thirty and thirty-one, in Russell county, approved, December thirtieth, eighteen hundred and forty-one, be, and the same is hereby repealed.

Approved, 4th February, 1846.

[No. 270.]

AN ACT

To annex Section twelve, Township seventeen, Range eleven, West, to Tuscaloosa County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Hugh Trawick, shall be considered a liner between the counties of Tuscaloosa and Fayette, and he shall be subject to all rights, privileges and liabilities that other citizens of Tuscaloosa county enjoy, or are subject to: *Provided*, that the said Trawick shall continue to pay taxes in Fayette county, as heretofore.

Approved, 3d February, 1846.

[No. 271.]

AN ACT

To authorize the Governor to make titles to certain lots of land therein described.

Governor to
make titles.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized to execute a deed of title to Organ Tatum, of the county of Autauga, for the following described lots, or parcels of land, to wit: west half of north east fourth; of north west fourth; of west half of west fourth; and south east fourth; of section sixteen, township seventeen, range fifteen, in the Cahawba Land District, and containing four hundred and eighty acres, more or less; the certificate and title to the same having been transferred by Jordan Abbott, to said Organ Tatum.

Approved, 14th January, 1846.

[No. 272.]

AN ACT

For the relief of Thomas Tanner, Allen Harrison, and John H. Gee.

Whereas, it appears from satisfactory evidence, that on the eighteenth day of October, eighteen hundred and thirty-seven, one Thomas Tanner purchased of the School Commissioners of Township nineteen, range three, west, in the county of Sumter, a portion of the Sixteenth Section, situate in said township, described as follows, to wit: the west half of the south west quarter of said Sixteenth Section; for which he gave four promissory notes, payable to the Bank of the State of Alabama, with Allen Harrison and John H. Gee, as his securities, as follows, to wit: the first, for the sum of one hundred and forty dollars, due first January, eighteen hundred and thirty-nine; the second, for the sum of one hundred and fifty dollars, due first January, eighteen hundred and forty; the third, for the sum of one hundred and fifty dollars, due first January, eighteen hundred and forty-one; and the fourth, for the sum of one hundred and fifty dollars, due first January, eighteen hundred and forty-two; the first of which notes has been paid: And whereas, a large majority of the citizens of said township, as also the said Tanner, Harrison and Gee, have petitioned for a legislative rescission of said contract: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That said contract is hereby rescinded: *Provided*, that the money heretofore paid thereon, shall not be refunded. Contract may be rescinded.

Sec. 2. *And be it further enacted*, That the cashier of said Bank is hereby directed to deliver to any one of the above-named individuals the said promissory notes that are now on deposit in said Bank.

Approved, 3d February, 1846.

[No. 273.]

AN ACT

For the relief of Michael Gorman, of Franklin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor, be, and he is hereby authorized and empowered to remit all or so much of a fine assessed against Michael Gorman, as the security of one H. C. Harman, on a recognizance bond of one thousand dollars, at the fall term of the Circuit Court of Franklin county, in the year eighteen hundred and forty-four, as he may deem just and proper, upon a fair and reasonable investigation of all the circumstances of the case. Governor to remit fine.

Approved, 4th February, 1846.

[No. 274.]

AN ACT

To change the name of a certain person therein named, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the name of Mary Melinda Emily Eliza Osborn, infant daughter of Britton S. Osborn, of Chambers county, be, and the same is hereby changed and adopted to that of Mary Melinda Emily Eliza Horton.

Name changed.

Sec. 2. And be it further enacted, That said Mary Melinda Emily Eliza Horton, be, and she is hereby made and constituted the legal heir and representative of Hugh W. Horton, of the county of Macon, as fully as though she was a natural heir, and be entitled to receive and hold any property, by gift, inheritance, or otherwise, that may descend to her as such.

Approved, 3d February, 1846.

[No. 275.]

AN ACT

For the relief of Benjamin Stephens, and others, of Greene County.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor be, and he is hereby authorized to remit the whole, or such part of a fine as he may deem necessary, after a proper investigation of the case, imposed on Benjamin Stephens, Hutson Greenwood, Amos Brannon, Alexander Kyle and Benjamin Davis, at the fall term of the Circuit Court of Greene, in eighteen hundred and forty-five.

Governor may remit fine.

Approved, 3d February, 1846.

[No. 276.]

AN ACT

For the relief of Jeremiah Bennett.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Secretary of State is hereby authorized and required to issue a patent to Jeremiah Bennett, of Russell county, for the south east quarter of section sixteen, township sixteen, range twenty-eight, lying in the county of Russell, upon his being satisfied that full payment has been made for said land.

Approved, 2d February, 1846.

[No. 277.]

* AN ACT

To declare Zachariah Rowell one of the legal heirs of Francis Landry, of Washington County.

Whereas, Frances Landry, of Washington county, is anxious to adopt into her family, Zachariah Rowell, an infant son of Thomas Rowell, of said county, and to him as one of his own children : Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Zachariah Rowell, be, and he is hereby declared an heir of the said Frances Landry, and capable of inheriting from him and his present wife, to all intents and purposes, in as full and ample manner, as if he were a child of the said Frances Landry and his wife. Made legal heir, &c.

Approved, 3d February, 1846.

* This act is printed precisely according to the enrolled copy.

[No. 278.]

AN ACT

For the benefit of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, William Cobb, James Earnest, George Kellgore, William Kellgore, and George Davis, who are now, and have been, citizens of the county of Fayette, shall each and every one of them, be liners between the counties of Fayette and Walker, and shall be subject to perform civil and military duty in the county of Walker, as fully as if they were to all intents and purposes citizens by residence in said county of Walker. Declared liners.

Approved, 26th January, 1846.

[No. 279.]

AN ACT

For the relief of Wyly White, former Sheriff of Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the law now in force, requiring all claims against counties to be presented to the proper tribunal for allowance, within one year after they accrue, or become payable, be, and the same is hereby suspended, so as regards the claims of Wyly White, former sheriff of Pike county, and that the claims of said White on said county be allowed by the proper tribunals, in the same manner as if the same had been presented within the time prescribed by law.

Approved, 3d February, 1846.

[No. 280]

AN ACT

For the relief of Brasfield Jackson, of Wilcox County.

Declared a
liner.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Brasfield Jackson, of the county of Wilcox, shall be declared a liner, and be considered a citizen of Marengo county, and have all the rights and privileges of a citizen of said county, while he occupies his present place of residence.

Approved, 3d February, 1846.

[No. 281.]

AN ACT

Declaring Matthew Robinson McClung one of the heirs of John Robinson and Caroline, his wife, of Madison County.

Whereas, John Robinson and Caroline, his wife, of Madison county, adopted into their family Matthew Robinson McClung, in early infancy, and have signified their desire to make him as one of their children: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Matthew Robinson McClung be henceforth considered as one of the children of the said John Robinson and wife, capable of inheriting from them to all intents and purposes, as fully as their other children.

Approved, 3d February, 1846.

[No. 282.]

AN ACT

To compensate certain persons therein named, for arresting one William H. Brown, charged with the murder of Walter A. Scott, of Conecuh County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant on the Treasurer, in favor of John A. Austin and Miles G. Ivy, of Dale county, for the sum of two hundred dollars, to be paid out of any moneys in the treasury, not otherwise appropriated, as a compensation for arresting one William H. Brown, charged with the murder of Walter A. Scott, of Conecuh county.

Approved, 4th February, 1846.

[No. 283]

AN ACT

For the relief of Moses Campbell, Tax Collector of Macon County, for eighteen hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Moses Campbell, tax collector of Macon county, for the year eighteen hundred and forty-four, be relieved from the payment of two hundred and forty-five dollars and thirty-four cents, it being the amount of damages assessed for failure to pay over the tax due the State from said county for the year above named; any law to the contrary notwithstanding: *Provided*, that he shall first pay all the State and county tax due from him as tax collector aforesaid, and all costs thereon.

Approved, 4th February, 1846.

[No. 284.]

AN ACT

For the relief of Windson P. Spinks.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the damages recovered of Windson P. Spinks, tax collector of Washington county, in a suit on his official bond as said tax collector, for said county, in the year eighteen hundred and forty-four, be, and the same are hereby remitted.

Approved, 3d February, 1846.

[No. 285.]

AN ACT

To change the name of Ann G. Callahan, to Ann G. Burt.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Ann G. Callahan, of Morgan county, be, and it is hereby changed to Ann G. Burt.

Approved, 4th February, 1846.

[No. 286.]

AN ACT

For the relief of Thomas J. Campbell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be authorized to grant a pardon to Thomas J. Campbell, now confined in the jail of Lowndes county, so as to release him from imprisonment on account of the non-payment of the fine assessed against him.

Approved, 3d February, 1846.

[No. 287.]

AN ACT

For the relief of Samuel W. Davidson and Thornton Stringfellow, of Bibb County.

Time of pay-
ment extend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Samuel W. Davidson and Thornton Stringfellow, of Bibb county, be, and they are hereby allowed to extend their joint debts in the Mobile Branch Bank, by the payment of one half of said debts on or before the first day of June next; and the officers of said Bank are hereby required to extend the one-half of said debts till the first day of June, eighteen hundred and forty-seven, upon the payment of one-half of said debts on or before the first day of June next.

Approved, 4th February, 1846.

[No. 288.]

AN ACT

For the relief of Miel Ezell and William Cleaver, of Clarke County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a certain judgment confessed by Miel Ezell and William Cleaver, as securities of Edward M. Bates, in the Circuit Court of Clarke county, at the April term, eighteen hundred and forty-four, of said court, in favor of B. Fitzpatrick, Governor, for the sum of three hundred and ten dollars, be, and the same is hereby declared satisfied and discharged, so far as the principal is concerned; and the said Miel Ezell and William Cleaver are hereby discharged from the payment of the principal of said judgment: *Provided*, said Miel Ezell and William Cleaver pay all costs which have accrued upon said judgment.

Approved, 5th February, 1846.

[No. 289.]

AN ACT

For the relief of Martha A. Waldon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Martha A. Waldon, of the county of Autauga, be, and she is hereby relieved from the disabilities and penalties imposed by law, on all persons against whom a divorce may be granted: *Provided*, that this act shall be construed to apply to such disabilities and penalties only as have been heretofore incurred.

Approved, 3d February, 1846.

[No. 290.]

AN ACT

For the relief of Montgomery Carleton, Tax Collector for the County of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Montgomery Carleton, Tax Collector of Sumter county, be allowed until the first Monday in May next, to make final settlement with the Comptroller of Public Accounts, for the taxes due said county, for the year eighteen hundred and forty-five: *Provided*, that the said Montgomery Carleton's securities give their assent in writing to said extension. Time of settlement extended.

Approved, 4th February, 1846.

[No. 291.]

AN ACT

To authorize the Branch Bank at Decatur to extend a certain debt therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the President and Directors of the Branch of the Bank at Decatur, be, and they are hereby authorized to extend a judgment obtained against the estate of Micajah Thomas, deceased, at the Spring term of the Circuit Court of Limestone county, eighteen hundred and forty-five, and to suspend execution thereon until the first day of June, eighteen hundred and forty-six, on the payment of all costs, and one third of the principal and interest: *Provided*, such additional security shall be given, as in the opinion of the said President and Directors may be necessary: *And provided further*, no lien acquired by said judgment shall be forfeited by such extension. Time of payment extended.

Approved, 31st January, 1846.

[No. 292.]

AN ACT

To emancipate Horace King, a slave.

Whereas, it appears by the petition of John Godwin, Ann H. Godwin, and William C. Wright, that it is their intention to emancipate and set free Horace King of Russell county: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the said Horace King is hereby declared to be free, and his emancipation is hereby confirmed, and the said Horace

King shall not be required to leave the State of Alabama, upon the condition that the said John Godwin, Ann H. Godwin and William C. Wright, or any one of them, shall enter into bond with approved security, to the Judge of the County Court of Russell, in the sum of one thousand dollars; conditioned that the said Horace King shall never become a charge to this State, or any county or town therein.

Approved, 3d February, 1846.

[No. 293.]

AN ACT

For the relief of Robert L. Lauderdale, and other persons therein named.

Preamble.

Whereas, by the failure of John C. Burgess, tax collector of the county of Coosa, to pay over the taxes due the State, by him collected, for the year eighteen hundred and forty-five, his securities upon his official bond, to wit: Robert L. Lauderdale, William C. Whitstone, Alfred C. Mahan, Allen Thomas, Hamilton Ware, and James L. Burgess, have become responsible on their said bond for the payment of the said taxes, so collected and withheld:

Time of payment extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the time of payment of the State taxes, collected in the county of Coosa, for the year eighteen hundred and forty-five, may be extended to the securities, on the tax collector's bond, upon each or any number of them, securing said amount, or equal parts of said amount not paid over, by notes, payable to the Comptroller of Public Accounts for the State of Alabama, at one, two, and three years; each note bearing interest from date, at the rate of six per centum, per annum.

Sec. 2. *And be it further enacted,* That said securities may, at their option, make a joint obligation for the amount of the taxes aforesaid, with not less than six sufficient securities, or each or any portion of them may give their several notes, made payable as above, secured by not less than two sufficient securities, or by deed of trust upon real or personal estate; in each case to be approved of by the Judge of the County Court.

Sec. 3. *And be it further enacted,* That nothing in this act shall be so construed, as to impair the ultimate liability of any one of the securities on the official bond of the said John C. Burgess.

Approved, 3d February, 1846.

[No. 294]

AN ACT

Concerning the administration of the estate of David T. Castleberry, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for Major Beavers, administrator of the estate of David T. Castleberry, deceased, to remove his administration of said estate from the county of St. Clair, where he was appointed, to Talladega county. Administrator may remove estate.

Sec. 2. *And be it further enacted,* That before removing said administration, the said Major Beavers shall submit to the Orphans' Court of Talladega county, an application for this purpose; and thereupon the said Orphans' Court shall proceed in the same way, and make such orders, acts, accompaniments, inventories, and final bond, as are usual and required by law, in the appointment of administrators in chief. How to proceed, &c.

Sec. 3. *And be it further enacted,* That after the said administrator shall have complied with all the above provisions, and all lawful orders, which shall be made by said Orphans' Court in relation to said administration, that the said administrator shall be authorized to remove his said administration as above provided.

Sec. 4. *And be it further enacted,* That the Judge of the Orphans' Court of St. Clair county, upon the production to him of the certificate of the Judge of the Orphans' Court of Talladega county, certified, under seal, by the clerk of said Court, that the said administrator has complied with the second and third sections of this act, shall be, and he is hereby authorized to enter upon the minutes of his said Court, that the said administration is removed to the county of Talladega.

Sec. 5. *And be it further enacted,* That when the said administrator shall give the bond required by the second section of this act, he shall be discharged from that time forth, from the bond already by him executed upon his said administration of said estate in St. Clair county: *Provided,* the said administration shall be removed to the county of Talladega, pursuant to the first section of this act: *Provided however,* that said bond shall continue in full force as to all acts, omissions, or commissions of said administrator, accruing before the execution of the bond, to be taken by the Orphans' Court of Talladega county. To give bond
Proviso.

Sec. 6. *And be it further enacted,* That it shall and may be lawful for the said Major Beavers, administrator as aforesaid, to dispose of the real estate of which the said David T. Castleberry died seized, for the purpose of paying the debts of the said David T. Castleberry, and for distribution upon the conditions hereinafter stated.

Administra-
shall file list
of debts, &c.

Sec. 7. *And be it further enacted*, That before disposing of any of the real estate aforesaid, the said administrator shall return to, and file in the Orphans' Court of Talladega county, a sworn schedule, setting forth the amount, number, and description of all debts due from said estate, within his knowledge; and shall give bond, to be approved by the Judge of the Orphans' Court aforesaid, of Talladega county, in a penalty of twice the estimated value of said real estate proposed to be sold, conditioned, to return to said court a correct account of sales, and pay and appropriate the proceeds of such sale, first, to the extinguishment of the liabilities of said estate, and if any surplus, to distribute it among the heirs and distributees of said estate according to law.

May sell real
estate, &c.

Sec. 8. *And be it further enacted*, That upon complying with the provisions of the seventh section of this act, it shall be lawful for the said administrator to advertise and sell such real estate, upon such terms as he in his discretion may prescribe, the proceeds to be applied as aforesaid; and the said administrator is hereby authorized to make to the purchaser, or purchasers, at such sale, a good and sufficient title, in fee simple, to such land or lands, upon the complete payment of the purchase money.

Sec. 9. *And be it further enacted*, That the said administrator, upon discharging the debts of said estate, may, if he thinks it expedient, retain together for the benefit of the family of said decedent, the personal property, (or such portion thereof as may be desired) belonging to said estate; and shall not be required to dispose of the same in any way, until application shall be made for distribution, at the instance of some person interested therein; and all laws conflicting with the provisions of this act, are hereby repealed.

Approved, 3d February, 1846.

[No. 295]

AN ACT

Declaring Araminta A. Evans, wife of John W. Evans, of Walker County, a free dealer.

Made a free
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from after the passage of this act, that Araminta A. Evans, wife of John W. Evans, of Walker county, be, and she is hereby declared a free dealer, to all intents and purposes, to have and to hold the property now in possession, as well as what she may hereafter acquire, by gift, inheritance, or otherwise.

Sec. 2. *And be it further enacted*, That she shall have power to sue and be sued, plead and be impleaded, and exercise all

rights and privileges as if she never had been married to said John W. Evans; who is wholly incompetent to manage his affairs on account of his insanity; all laws or parts of laws, to the contrary notwithstanding.

Approved, 3d February, 1846.

[No. 296.]

AN ACT

For the relief of Neverson C. Collins and his Wife.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the marriage of Neverson C. Collins and Elizabeth B. Collins, (late Elizabeth B. Winstead,) of the county of Fayette, be, and the same is hereby legalized; any law to the contrary notwithstanding.

Approved, 7th January, 1846.

[No. 297.]

AN ACT

To change the name of Louisa Battle to Louisa Gantt, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the name of Louisa Battle, infant daughter of Elizabeth Ann Battle, be, and the same is hereby changed to Louisa Gantt, and she be in law, from and after the passage of this act, held to be the legitimate child of Dr. Edward Gantt, of Selma, in the county of Dallas; and be capable of taking his estate, either real or personal, or both, by will, inheritance, or otherwise, as completely, and to all intents and purposes, as though she were his offspring born in lawful wedlock.

Name changed.

Approved, 29th January, 1846.

[No. 298.]

AN ACT

For the relief of Dr. James May.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Governor of this State shall issue or cause to be issued to Dr. James May, of the county of Greene, patents for the north-west quarter of south-west quarter, township nineteen, range four, east, section sixteen, in said county of Greene, so soon as the said May shall present to him or the Bank, the certificate of purchase, and pay the said land out of the Bank; any law to the contrary notwithstanding.

Approved, 2d February, 1846.

[No. 299.]

AN ACT

For the relief of Mary Stephens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Secretary of State is hereby authorized and required to issue a patent to Mary Stephens, of Russell county, for the north-west quarter of section sixteen, township nineteen, and range twenty-nine; also, the west half of the north-east quarter, of section sixteen, township nineteen, and range twenty-nine, lying in the county of Russell, upon his being satisfied that full payment has been made for said land.

Approved, 2d February, 1846.

[No. 300.]

AN ACT

For the relief of Henry Black and Simon Godden.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Henry Black and Simon Godden, be, and they are hereby attached to the county of Pike, and that such portions of land as belong to them in the north-west corner of Dale county, be considered as territory of Pike county; and the said Black and Godden shall hereafter exercise all the rights of citizenship in the county of Pike, shall sue and be sued, vote in, and perform all other acts and duties which citizens of Pike county, may lawfully do and perform.

Approved, 2d February, 1846.

[No. 301.]

AN ACT

To authorize His Excellency the Governor to pardon Alexander Berryman, of Lawrence County.

Governor
may grant
pardon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That His Excellency the Governor of the State of Alabama, be, and he is hereby authorized to grant a full pardon to Alexander Berryman, of the county of Lawrence, who is at present confined in the county jail of said county, upon a conviction before the Circuit Court thereof, had at the Spring term, eighteen hundred and forty-five, if in his opinion there are extenuating circumstances, which may justify such pardon: *Provided,* nothing herein contained shall be so construed as to release him from the payment of the fine so imposed by said Court.

Approved, 22d January, 1846.

[No. 302.]

AN ACT

For the relief of Joseph C. Chamberlain, Tax Collector, for the County of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of the State be authorized, and he is hereby directed to cancel and enter satisfied, the damages and interest, in a judgment rendered at the September term, eighteen hundred and forty-five, of the Circuit Court of the county of Tuscaloosa, in a suit against Joseph C. Chamberlain, tax collector of Mobile county, for the taxes of eighteen hundred and forty four, and that the Comptroller be further directed to cancel the said damages and interest in the books of his office.

Damages, &c
cancelled.

Approved, 3d February, 1846.

[No. 303.]

AN ACT

To emancipate Judy Spence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Frank Mastin, of Madison county, be, and he is hereby authorized to emancipate his negro woman slave, Judy Spence; and that on entering into bond and security in the penal sum of five hundred dollars, payable to the Governor of the State of Alabama, and his successors in office, conditioned, that the said slave shall never become a public charge; said bond to be approved by the Judge of the County Court of Madison county; then said slave is to be free, saving however the rights of his creditors.

Approved, 2d February, 1846.

[No. 304.]

AN ACT

For the relief of John K. Barton, of Tallapoosa County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, John K. Barton, who resides near the line of Tallapoosa and Montgomery counties, be, and he is hereby declared to be entitled to all the rights and privileges of citizenship in the county of Montgomery.

Sec. 2. *And be it further enacted,* That the said John K. Barton, shall be required to pay his taxes, on all taxable property, both real and personal, in the county in which the same may be situated as heretofore.

Approved, 15th January, 1846.

[No. 305.]

AN ACT

For the relief of Robert Mitchell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be authorized to grant a full pardon to Robert Mitchell, confined in the jail of Pike county under a conviction by the Circuit Court of said county, so as to release him from imprisonment on account of not paying the fine assessed under said conviction: *Provided*, that in his opinion the circumstances of the case will justify a pardon.

Approved, 9th January, 1846.

[No. 306.]

AN ACT

For the relief of Charles S. Hawkins.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized to extend to Charles S. Hawkins, recently convicted in the Circuit Court of Lowndes county, for aiding and abetting in an assault with intent to murder Robert J. Lawrence, a full pardon for said offence, if in his opinion the circumstances of the case justify a pardon.

Approved, 5th January, 1846.

[No. 307.]

AN ACT

For the relief of George Linsay, of the County of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That George Linsay, of the county of Limestone, shall, so long as he remains a public ferryman on Elk river, in said county, be privileged to retain one convenient ferry boat, at all times exempt from levy and sale under execution.

Approved, 13th January, 1846.

[No. 308.]

AN ACT

For the relief of William C. Jackson, of Jackson County.

Whereas, at the Spring term, A. D. eighteen hundred and forty-three, of the Circuit Court of Jackson county, a forfeiture was taken for the sum of one hundred dollars, against William C. Jackson, as the security of one Joseph Henson, a State witness: And whereas, it appears, upon investigation, that the said forfeiture was taken through mistake: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said William C. Jackson, be, and he is hereby released from the payment of said forfeiture, and all costs that may have accrued thereon; any law, usage, or custom to the contrary notwithstanding.

Approved, 23d January, 1846.

[No. 309.]

AN ACT

For the relief of Henry Bryan and Frances Bryan, formerly Frances Furgerson's heirs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an agreement entered into between Henry Bryan and Frances Bryan, formerly Furgerson, about the year eighteen hundred and thirty-five, whereby it was agreed to retain, each, the property held by them on their intermarriage, be, and the same is hereby made valid.

Sec. 2. *And be it further enacted,* That nothing contained in this act shall be so construed as to impair the rights of any creditor or any heir, now vested, in the estate of either of said parties.

Approved, 3d February, 1846.

[No. 310]

AN ACT

For the relief of Robert L. Robertson, of Randolph County.

Whereas, Robert L. Robertson, now a citizen of Randolph county, Alabama, intermarried with one Rachael S. Williams, afterwards called Rachael S. Robertson, sometime in the year eighteen hundred and twenty-eight: And whereas, the said Rachael S. afterwards left the bed and board of said Robert L. Robertson, and obtained a divorce from the bonds of matrimony so existing, without notice to the said Robert L. Robertson: And whereas, the said Rachael S. has since intermarried with another individual: Therefore,

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Robert L. Robertson be, and he is hereby authorized to marry again, and such marriage shall not subject him to a prosecution for the violation of the criminal law of the State.

Approved, 23d January, 1846.

[No. 311.]

AN ACT

For the relief of William L. Yancey and Daniel Sayre.

Duelling oath
how adminis-
tered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all cases where it may be necessary for William L. Yancey, of the county of Autauga, to take and subscribe the oaths prescribed by law against duelling, the same shall be administered in reference to time, from the first day of July, eighteen hundred and forty-five.

Relieved
from penal-
ties, &c.

Sec. 2. *And be it further enacted,* That the said William L. Yancey shall not, in any manner, be liable to the pains and penalties prescribed in sections eleven and twelve, chapter three, of the Penal Code, for any act or thing which may have been done by said Yancey, prior to the said first day of July, eighteen hundred and forty-five.

Sec. 3. *And be it further enacted,* That from and after the first day of August last, the provisions of the foregoing act be, and the same are extended to Daniel Sayre, of Talladega county.

A. B. MOORE,

Speaker of the House of Representatives.

JOHN A. WINSTON,

President of the Senate.

[This act was vetoed by the Governor, but re-passed both Houses by a constitutional majority on the 31st of January, 1846.]

[No. 312.]

AN ACT

To authorize James L. Childress to redeem a certain tract of land.

Property how
redeemed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James L. Childress is hereby authorized to redeem a certain tract of land, purchased by the Bank of the State of Alabama, under execution, as the property of said Childress, on the following conditions, that is to say: First—that said James L. Childress, on or before the first day of June next, shall pay to the Bank of the State of Alabama, the full amount of principal, interest, and costs of suit, due said Bank: Second—that on the full payment of the said principal, interest, and costs of suit, and not before, the said Bank of the State of Alabama shall convey to the said Childress, or his assignee, all the right, title and interest of said Bank, vested in it under the sale aforesaid.

Sec. 2. *And be it further enacted,* That should the Legislature at its present session divide the Bank debts into instal-

ments, the said Childress shall have the privilege thereof, on the aforesaid debt; the said Bank retaining its title to said land until the said debt, and all interest and costs thereon, shall be fully discharged.

Sec. 3. *And be it further enacted*, That if the said James L. Childress shall not by the first day of June next comply with the requisitions of this act, by filing his application for the redemption of said land, and such notes and approved securities as may be required by the Bank as collateral security for the faithful payment of the aforesaid principal, interest and costs, it shall be the duty of the said State Bank to dispose of said lands, at public or private sale, for cash, or on credit, giving a reasonable notice thereof, and giving a bond conditioned to make such title as is vested in such Bank under the aforesaid sale, when full payment therefor is made by the purchaser, and after deducting all expenses of such sale, to pass the proceeds thereof to the credit of said James L. Childress.

Property to
sold if not re-
deemed.

Approved, 5th February, 1846.

[No. 313.]

AN ACT

For the relief of A. C. Gordon and H. E. Stokes, of Henry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That A. C. Gordon and H. E. Stokes, securities of Allen B. Tillor, on his official bond as Tax Collector of Henry county, be, and they are hereby released from all damages assessed against them by the Circuit Court of Tuscaloosa county, on motion of the Comptroller of Public Accounts, against the said Allen B. Tillor and his securities, for the failure of the said Allen B. Tillor to pay over taxes collected by him as provided by law: *Provided*, that nothing herein contained shall exempt the said Allen B. Tillor from the payment of said damages.

Released
from dama-
ges.

Approved, 4th February, 1846.

[No. 314]

AN ACT

For the relief of David Larkin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor is hereby authorized and required to issue a patent to David Larkin, of Jackson county, for the north half of the north east quarter of section sixteen, in township four, of range five, east, in said county of Jackson.

Approved, 31st January, 1846.

[No. 315.]

AN ACT

For the relief of Aaron Askew, Tax Collector of Lauderdale County.

Preamble.

Whereas, it appears from the certificate of the Comptroller, that Aaron Askew, tax collector of Lauderdale county, has paid into the treasury for the years eighteen hundred and forty-three, and eighteen hundred and forty-four, the sum of forty-three dollars and eighty-nine cents, over and above the amount due from him: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller, in his settlement with the said Aaron Askew, for the tax collected by him in the year eighteen hundred and forty-five, be authorized and required to credit the account of the said Aaron, with the said sum of forty-three dollars and eighty nine cents.

Approved, 4th February, 1846.

[No. 316.]

AN ACT

To authorize Elizabeth M. Clark. Executrix of the last will and testament of John P. Clark, deceased, to remove the estate of her testator to Mississippi.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

May remove property, &c.

That the above named Elizabeth M. Clark, be, and she is hereby authorized to remove the personal estate of her late husband, John P. Clark, deceased, to Winston county, Mississippi: *Provided,* that the said executrix, Elizabeth M. Clark, shall first enter into bond with approved security, before the Probate Court of said Winston county, conditioned as usual in such cases, and shall moreover, furnish to the Orphans' Court of Sumter county, a transcript of such appointment and bond.

Proviso.

Sec. 2. *And be it further enacted,* That upon the said Elizabeth M. Clark making a showing to the Orphans' Court of said county of Sumter, of her appointment as executrix in said Winston county, as provided for in the first section of this act, and making final settlement with said Orphans' Court of Sumter, it shall be the duty of said Court to discharge her and her securities, and to grant an order authorizing said removal.

Approved, 31st January, 1846.

[No. 317.]

AN ACT

To compensate Lewis Kennedy for certain services therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of twenty-five dollars, be, and the same is hereby appropriated to Lewis Kennedy, of the county of Coosa, for services under the appointment of the Warden of the State Penitentiary to hold inquest upon the bodies of five deceased convicts of the same, to be paid out of any money in the treasury not otherwise appropriated; and the Comptroller of Public accounts is hereby required to issue his warrant for the same.

Approved, 3d February, 1846.

[No. 318.]

AN ACT

For the relief of Joel C. Dubose, of Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Joel C. Dubose, late sheriff of Marengo county, be, and he is hereby released from the payment of a judgment obtained against him in the Circuit Court of Marengo county, at the November term of said Court, eighteen hundred and forty-five, for the sum of five hundred dollars, for failing to make return within the time prescribed by law, of the general election holden in that year, for said county: *Provided*, the provisions in this bill contained shall not exempt the said Joel C. Dubose from the payment of all the costs that may have accrued in said cause.

Released
from payment
of judgment.

Approved, 3d February, 1846.

[No. 319.]

AN ACT

For the relief of the heirs of the estate of William Lee, of Sumter county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Susannah Lee, guardian of John Lee, and Daniel W. Lee, minor heirs of William Lee, late of Sumter county, Alabama, deceased, and her successors as such guardian, be, and they are hereby authorized to invest any moneys which may now, or may hereafter be in hand, in negro property, instead of putting the same to interest, as now required by law.

May invest
funds in ne-
gro property.

Sec. 2. *And be it further enacted,* That any property which said guardian may have purchased for said minors with their moneys heretofore, be, and the same is hereby legalized.

Settlement.

Sec. 3. *And be it further enacted*, That upon annual settlement with the Orphans' Court, it shall only be necessary for a bill of sale duly sworn to by the seller to be produced, to be received as a voucher, and credited to such accountant; which said bills of sale, after having been recorded, may be delivered to said guardian.

Sec. 4. *And be it further enacted*, That said guardian is authorized to make sale of a negro man by the name of Tom, belonging to John Lee, and to supply his place by the purchase of another negro of good character.

Approved, 2d February, 1846.

[No. 320.]

AN ACT

For the relief of Farr H. Trammell.

Commissioners may pay account.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the present school commissioners, of township twenty-three, and range twenty-seven, in the county of Chambers, be, and they are hereby authorized to examine the account that Farr H. Trammell has against the school fund in said township, and if in their opinion, such account is just and true, the said Commissioners now acting, are hereby authorized to pay said account, out of any moneys belonging to said township, as a school fund, arising from the sale of the sixteenth section: *Provided*, that the interest on said fund be sufficient to pay said account, without interfering with the present liabilities of the school commissioners of said township.

Approved, 2d February, 1846.

[No. 321.]

AN ACT

For the relief of Narcissa Ann Harris.

Made a free dealer, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That on the application of Narcissa Ann Harris, wife of Peter C. Harris, of Macon county, and by the assent of the said Peter C. Harris, from and after the passage of this act, the said Narcissa Ann Harris, be, and she is hereby authorized to have, and to hold, by gift, purchase, or inheritance, any property, real or personal, free from the hinderance, molestation, or authority, of her said husband, and may perform all acts which a *feme sole*, may of right do and perform; she may dispose by will, gift, or sale, of all, or any part of property thus acquired by her, from and after the passage of this act, and the same shall in no wise be subject to the debts, liabilities or con-

tracts of her said husband, but she may sue and be sued in her own name, and shall be subject to all the liabilities of a *feme sole*, as aforesaid: *Provided*, that any transfer of property, whether by gift, purchase, or through the intervention of trustees, between the husband and wife, shall be invalid and of no effect.

Sec. 2. *And be it further enacted*, That the said Narcissa Ann Harris, may, and she is hereby authorized to hold in like manner, free from the debts of her said husband, all and any property she may hereafter accumulate by her own care, skill and industry.

Approved, 29th January, 1846.

[No. 322.]

AN ACT

To amend An Act for the relief Bridget O'Brien, approved, January tenth, eighteen hundred and forty-four.

Whereas, Michael O'Brien, deceased, late of Perry county, in this State, being an alien, died intestate, leaving a widow, Bridget O'Brien, also an alien, and leaving no children or other known relations entitled to inherit his estate, so that his property would escheat to the State unless prevented by statute, and his widow could get no part thereof: For remedy whereof, Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, May inherit estate of her husband, &c.
That the said Bridget O'Brien be, and she is hereby declared able and capable in law of taking, by descent, distribution and right of dower, the estate of her late husband, Michael O'Brien, in the same manner as if he had not been an alien, and as if she had not been an alien: *Provided*, that nothing herein contained shall be construed to the prejudice of the rights of the creditors of the said estate.

Sec. 2. *And be it further enacted*, That the State of Alabama does relinquish and grant to said Bridget O'Brien, all right, title and interest, in and to the estate of the said Michael O'Brien, which now exists, or might vest in the State, by virtue of the law regulating escheats; and the said Bridget O'Brien is hereby authorized and entitled to receive, take, and hold all the estate of her late husband, saving always the rights of creditors as hereinbefore provided for: *And provided further*, that nothing herein contained, shall be construed to prejudice the rights of any legal heirs of said estate.

Sec. 3. *And be it further enacted*, That all laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 28th January, 1846.

[No. 323.]

AN ACT

To legalize a marriage therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the rights of matrimony heretofore solemnized between Jefferson Alford, and Nancy Ann Allen, of Cherokee county, be, and the same are hereby legalized and made valid.

Approved, 31st January, 1846.

[No. 324.]

AN ACT

For the relief of Susan K. Neal and James S. Johnson.

Made a free
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Susan K. Neal, wife of Matthew Neal, of Dallas county, be, and she is hereby authorized to have, hold, and enjoy property hereafter acquired by her as a *feme sole*, for her own separate use and benefit, whether the same be real or personal, and over which her husband shall have no interest or control, nor shall such property whether acquired by descent, purchase, gift or otherwise, by the said Susan K. Neal, be in any manner liable to the debts of her said husband.

May contract
and sue, &c.

Sec. 2. *And be it further enacted,* That the said Susan K. Neal, shall sue and be sued, in respect to said property as a *feme sole*; and all contracts hereafter entered into by her, shall be considered valid and binding on her, notwithstanding her coverture, but the said contracts shall not bind her husband, nor shall he be liable to be sued thereon: *Provided, however,* that the said Susan K. Neal and the said Matthew Neal, shall be incapable in law of contracting with each other, either by the intervention of trustees, or otherwise.

Sec. 3. *And be it further enacted,* That the said Susan K. Neal shall have power and authority to choose a guardian for the person of her infant son, James S. Johnson, until he arrives at the age of fourteen years, and it shall be the duty of Judge of the County Court of Dallas County, on being notified in person by her of such choice, to allow of, and appoint the person so chosen guardian; and to appoint him such guardian on his giving such bond as said Judge may approve, conditioned, for the proper care and education of said child; and said appointment when made, shall entitle said guardian to the exclusive custody, care and education of said James S. Johnson; any law, usage or custom to the contrary notwithstanding: *Provided, however,* she shall not have the liberty of choosing her said husband.

Approved, 4th February, 1846.

[No. 325.]

AN ACT

To repeal An Act entitled An Act for the relief of Achsah Hogg, of Covington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act passed at the last General Assembly, making Achsah Hogg, of Covington county, a free dealer, be, and the same is hereby repealed.

Approved, 27th January, 1846.

[No. 326.]

AN ACT

To repeal An Act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act for the relief of Mary J. Kellum, approved, January twenty-fifth, eighteen hundred and forty-five, be, and the same is hereby repealed.

Approved, 2d February, 1846.

[No. 327.]

AN ACT

For the relief of William C. Thompson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William C. Thompson, of Marengo county, a minor, in the twentieth year of his age, be, and he is hereby empowered and authorized to settle with, receive from, and receipt to Adolphus S. Cade, guardian of said William, in respect to the property belonging to the said William, as a person of the full age of twenty-one years; and that said William be empowered to act in respect to all such property, and to deal and make contracts as a person of full age.

Approved, 14th January, 1846.

[No. 328.]

AN ACT

For the relief of S. Hudson, Tax Collector of Russell County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Stephen Hudson, tax collector of Russell county, be, and he is hereby authorized to make his return to the Comptroller of Public Accounts, any time before the first day of March, eighteen hundred and forty-six, without incurring any penalties for the failure to make such return previously; any law to the contrary notwithstanding: *Provided*, the consent of his securities, on his official bond, be first obtained.

Approved, 23d January, 1846.

[No. 329.]

AN ACT

To legalize a certain marriage therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the rites of matrimony heretofore solemnized between Hartwell Richardson and M. Berry, of Cherokee county, be, and the same is hereby legalized and made valid.

Approved, 31st January, 1846.

[No. 330.]

AN ACT

For the relief of Joel L. Stone, of the County of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Joel L. Stone, of the county of Talladega, shall not be required to pay any State or county taxes, for any goods, wares, merchandise, or other commodities, he may have sold as auctioneer since the first day of November, eighteen hundred and forty-five, as such auctioneer, in said county, either at public or private sale; and all laws contravening this, are, as to said Joel L. Stone, repealed.

Approved, 3d February, 1846.

[No. 331.]

AN ACT

For the relief of sundry citizens of Shelby County.

Whereas, the term of the County Court for the county of Shelby, was not held on the first Monday in November last, in consequence whereof, regular retailers of spirituous liquors were prevented from obtaining licenses: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Hugh McCormac, James W. Jennings, and Jackson Sykes, be, and they are hereby authorized to retail spirituous liquors in said county, for the term of one year, from the first Monday in November, in the year one thousand, eight hundred and forty-five, in the same manner as if licenses had been regularly granted, and that they be released from all penalties incurred for retailing in said county, since the said first Monday in November: *Provided,* that the said McCormac, Bevil, Jennings, and Sykes, shall have paid to the clerk of the County Court of said county the tax required for retailing, and in every other respect, complied with the requisitions of the statute in such cases made and provided.

Approved, 8th January, 1846.

Released
penalties in-
curred, &c.

[No. 332.]

AN ACT

For the relief of William D. Kincade, Tax Collector of Cherokee County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William D. Kincade, tax collector of Cherokee county for the year eighteen hundred and forty-five, be allowed until the first Monday in March, eighteen hundred and forty-six, to make his return and settlement with the Comptroller of Public Accounts, for the tax due the State from Cherokee county for the year aforesaid: *Provided*, that the securities of said tax collector file their written assent to said extension of time, with the clerk of the County Court of said county, by the fifteenth day of January, A. D. eighteen hundred and forty-six. Time of payment extended.
Proviso.

Sec. 2. *And be it further enacted*, That the Commissioners Court of roads and revenue for the county of Cherokee, shall be, and they are hereby required to hold a special term of said Court on the second Monday in February, eighteen hundred and forty-six, for the purpose of making a settlement with, and allowance to the said tax collector of said county.

Approved, 2d January, 1846.

[No. 333.]

AN ACT

For the relief of H. Melville Nuckolds.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any supposed claim of the State of Alabama to the estate of Simon Skessucks, as escheated property, be released to, and vested in H. Melville Nuckolds, in conformity with the desire and intention of the said Simon Skessucks, deceased.

Approved, 21st January, 1846.

[No. 334.]

AN ACT

For the relief of John P. Miears.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of this State, be, and he is hereby authorized to issue to John P. Miears, patents for the following described lots, or parcels of land, to wit: the east half of the north west quarter, and west half of the north west quarter, both of section sixteen, township twenty-two, and range twenty, in the Tallapoosa Land District, it appearing that the same has been paid for.

Approved, 15th January, 1846.

[No. 335.]

AN ACT

For the relief of Edmund King and Daniel W. Prentice, securities of *John Lansing, late Tax Collector of Shelby County.

Released
from pay-
ment of dam-
ages, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Edmund King and Daniel W. Prentice, securities of John Lansing, late tax collector of Shelby county, be, and they are hereby released from the payment of a judgment recovered against them, in the Circuit Court of Tuscaloosa county, on the official bond of the said Lansing, so far as the same was for damages, and the interest which may have accrued upon said damages.

Sec 2. *And be it further enacted,* That the State Treasurer is hereby authorized and required to give the said Edmund King and Daniel W. Prentice a receipt for the amount of said judgment, upon the payment of the costs of said suit, and any portion of the taxes remaining unpaid, and legal interest.

Approved, 21st January, 1846.

* Supposed to be John Sansing—but the name is printed according to original roll.

[No. 336.]

AN ACT

For the relief of Joseph G. Garrett, Cortez D. Kavanaugh, and John Snodgrass.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That Joseph G. Garrett, sheriff of Marshall county, and Cortez D. Kavanaugh, sheriff of Madison county, and John Snodgrass, sheriff of Jackson county, be, and they are hereby relieved from the penalty of five hundred dollars, for failing to make returns of the election of eighteen hundred and forty-four.

Approved, 21st January, 1846.

[No. 337.]

AN ACT

For the relief of Daniel Durham, of Blount County.

Governor to
remit fine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized and empowered, to remit the whole, or so much of the fine imposed upon Daniel Durham, at a term of the Circuit Court of Blount county, in said State, in September, eighteen hundred and forty-three, as may appear just and proper, on a full hearing of all the facts, for failing to attend the spring term of said Court of said county, for the year eighteen hundred and forty-three, as a juror.

Approved, 2d February, 1846.

[No. 338.]

AN ACT

For the relief of William Tilman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, William Tilman be, and he is hereby declared a liner between the counties of Pike and Coffee, and shall hereafter be considered a citizen of the county of Pike, so long as he remains at his present residence, and shall be subject to all laws in relation to citizens of Pike county, in the same manner as if he resided in said county: *Provided*, that nothing in this act shall be so construed, as to release the said William Tilman from paying taxes and working on public roads in the county of Coffee.

Approved, 13th January, 1846.

[No. 339.]

AN ACT

To vest in Frances Gleason, wife of Charles Gleason, certain rights and privileges therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Frances Gleason, of the county of Tuscaloosa, to take, receive and hold, by purchase, gift, or inheritance, any property either personal or real, free from the hinderance, molestation, or authority of her husband, Charles Gleason, and the same to dispose of by will, gift, or sale, and that all property acquired by her, from and after the passage of this act, shall, in no wise, be subject to the debts of her said husband, and that the said Frances Gleason, shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*.

Approved, 15th January, 1846.

[No. 340.]

AN ACT

For the relief of Richard Wilkins, Tax Collector of Pickens County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Richard Wilkins, tax collector of Pickens county, be, and he is hereby released from the payment of the damages adjudged against him, in the Circuit Court of Tuscaloosa county, on a motion against him, for a failure to pay over the State tax, within the time prescribed by law; but this act shall not extend to the costs of said suit.

Approved, 2d February, 1846.

[No. 341.]

AN ACT

For the relief of William Walker, Sr., of Blount County.

Penalty for
obstructing
road, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any person who may hereafter be guilty of obstructing a private road, in Blount county, leading from, or near the house of William Bently, and running by way of William Walker's, sr., ferry, on the Big Warrior, and to terminate at, or near the house of H. W. Tidmore, in said county, shall be subject to all the pains and penalties, as now provided by law for obstructing public highways in this State: *Provided,* said road shall not run through any person's land, except that of the said William Walker.

Approved, 2d February, 1846.

[No. 342.]

AN ACT

To change the name of James Milton Hendricks, and for other purposes,

Name chang-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the name of James Milton Hendricks, of the county of Clarke, be, and the same is hereby changed to that of James Milton Todd; and that the said James Milton Todd, be, and he is hereby constituted and declared to be the legal heir and representative of Jeanette C. Todd, of the county aforesaid, and shall be able and capable in law, to inherit and succeed to the estate, real and personal, of the said Jeanette C. Todd, in as full and ample manner as though he were the lawful issue of the said Jeanette C. Todd.

Approved, 13th January, 1846.

[No. 343.]

AN ACT

For the relief of Isaac Duncan.

Declared
heir.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Isaac Duncan, be, and he is hereby declared a liner between the counties of Montgomery and Pike, and shall hereafter be considered as a citizen of the county of Montgomery, so long as he remains at his present residence; and shall be subject to all laws in relation to a citizen of Montgomery county, in the same manner as if he resided in said county.

Approved, 13th January, 1846.

[No. 344.]

AN ACT

For the relief of the heirs of William Hughes, deceased, late
Tax Collector of Cherokee County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners Court of roads and revenue for the county of Cherokee, be, and they are hereby authorized and empowered, to make John Hughes, the administrator of the said William Hughes, deceased, late tax collector, such allowances as may be shown to be equitable and just; and such as he would have been entitled to, had he, the said William Hughes, deceased, made application in time as prescribed by law; and also for insolvencies and over charges made by the assessor of said county.

Commissioners to make settlement.

Approved, 13th January, 1846.

[No. 345.]

AN ACT

For the relief of Edmund B. Burton.

Whereas, it has been represented to this General Assembly, that Edmund B. Burton, now confined in the jail of Tuscaloosa county, for failure to pay a fine, on conviction of manslaughter, is wholly unable to pay the same, and that a continuance in prison will in all probability deprive him of life: And whereas, it is also represented, that said conviction was founded on circumstances very strongly appealing in favor of said Burton, to the sympathies of his fellow men. Therefore,

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized to extend to the said Edmund B. Burton, a full pardon, so as to relieve him from said imprisonment on account of said fine.

Governor may pardon.

JOHN A. WINSTON,
President of the Senate.

A. B. MOORE,
Speaker of the House of Representatives.

Approved, 3d December, 1845.

BEN. FITZPATRICK.

[No. 346.]

AN ACT

For the relief of James A. Branch, of the County of Lowndes.

Whereas, James A. Branch, late Tax Collector in the county of Lowndes, paid into the State Treasury, in the year eighteen hundred and forty-four, the sum of fifty dollars, as State tax,

on a billiard table, in said county, assessed against one Rowland M. Lake, in said year: And whereas, the said Rowland M. Lake failed and refused to pay the said tax assessed as aforesaid, and the said James A. Branch advertised and sold at public sale, in pursuance of law, for the said tax, the said billiard table, which brought but five dollars at said sale:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant on the Treasurer in favor of the said James A. Branch, for the sum of forty-five dollars, over paid by him into the State Treasury, as aforesaid.

Approved, January 29th, 1846.

[No. 347.]

AN ACT

Making appropriations for the years one thousand, eight hundred and forty-six and forty seven.

Appropriations for pay Governor, State officers, Judges, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, and to be paid to the following persons, in the payment of the claims for the years one thousand, eight hundred and forty-six and forty-seven, viz:

To the Governor of the State, the sum of twenty-five hundred dollars, per annum :

To the Secretary of State, twelve hundred dollars; per annum :

To the Comptroller of Public Accounts and State Treasurer, one thousand dollars, each, per annum :

To the Judges of the Supreme Court, each, twenty-two hundred and fifty dollars, per annum :

To the Chancellors, each, fifteen hundred dollars, per annum:

To the Judges of the Second, Third, Fourth, Sixth, Seventh, Eighth and Ninth Judicial Circuits, each, fifteen hundred dollars, per annum :

To the Judge of the First Judicial Circuit, two thousand dollars, until the twenty-sixth of April, eighteen hundred and forty-seven, and from that time, fifteen hundred dollars, per annum :

To the Judge of the Fifth Judicial Circuit, two thousand dollars, per annum :

To the Attorney General, four hundred and twenty-five dollars, per annum :

To the Solicitors of the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Judicial Circuits, two hundred and fifty dollars, each, per annum:

To the Solicitor of the First Judicial Circuit, three hundred and fifty dollars, per annum :

To the Quarter Master General, two hundred dollars, per annum :

To the Private Secretary of the Governor, three hundred and fifty dollars, per annum :

Appropriations, to State officers, &c.

To the Adjutant and Inspector General, four dollars per day, for each and every day he shall be engaged in the actual discharge and fulfillment of his duties, not to exceed two hundred dollars, per annum :

For the pay of the Secretary of the Senate and Principal Clerk of the House of Representatives, the sum of seven dollars per day :

For the pay of the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerk of the House of Representatives, each, the sum of five dollars per day, during the session :

To the Doorkeeper of the Senate and House of Representatives, the sum of five dollars per day, each, during the session :

To the Secretary of State, for indexing the Laws and copying the Journals of both Houses of the present session of the General Assembly, preparing the whole for the press, and superintending the printing of the same, the sum of three hundred dollars :

To the Comptroller of Public Accounts, for making out a tabular statement of each class of taxable property in each county in this State, pursuant to a resolution of the House of Representatives, the sum of two hundred and twenty-five dollars :

To the Secretary of the Senate, and Principal Clerk of the House of Representatives, the sum of one hundred dollars, each, for bringing up and completing the Journals of both Houses of the General Assembly, and filing away the papers after adjournment.

Sec. 2. *And be it further enacted*, That the sum of two thousand dollars, be, and the same is hereby appropriated and set apart, to defray the contingent expenses of the State Government.

Sec. 3. *And be it further enacted*, That the sum of forty-five thousand dollars, be, and the same is hereby appropriated to pay the members of the present General Assembly.

Approved, 4th February, 1846.

[No. 348.]

AN ACT

Making appropriations for the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several sums of money hereinafter mentioned, be, and the same are hereby appropriated to the several persons respectively, hereinafter named, that is to say :

Appropriations to Sheriffs, Jailers, &c. &c.

To Clarke Bobo, jailer of Franklin county, the sum of one hundred and eighty-eight dollars and forty cents, for feeding prisoners confined in the jail of said county :

To John L. Thompson, jailer of Lowndes county, the sum of three hundred and twelve dollars, for feeding prisoners confined in the jail of said county :

To John H. Elliott, of Limestone county, the sum of fifty-four dollars and fifty cents, for arresting and bringing to justice, Elisha Lindsay, charged with horse stealing :

To A. B. Hundly, sheriff of Marion county, the sum of one dollar and twenty cents, for feeding prisoner confined in the jail of said county :

To A. Lynch, of Tuscaloosa county, for repairs, &c., at the State House during the present session, the sum of four dollars :

To Austin Murphee, sheriff of Blount county, the sum of twelve dollars, for making Congressional return from said county, in eighteen hundred and forty-five :

To Robert J. White, jailer of Barbour county, the sum of one hundred and forty-eight dollars and forty cents, for feeding prisoners confined in the jail of said county :

To W. P. Spink, sheriff of Washington county, the sum of twelve dollars, for making Congressional return from said county in eighteen hundred and forty-five :

To William C. M. Allman, sheriff of Marion county, the sum of fifteen dollars and twenty-five cents, for making Congressional return from said county, in eighteen hundred and forty-five :

To S. S. Adams, deputy sheriff of Marion county, the sum of seventeen dollars and seventy-five cents, for removing a State's prisoner from Franklin county to Marion county, by order of Court :

To Thomas D. Garrett, Solicitor of the Ninth Judicial Circuit, the sum of ten dollars, for prosecuting to conviction a slave for a capital offence :

To A. R. Thomas, the sum of eighty-two dollars and twenty-five cents, for servant hire for sixty-six days service at the present session of eighteen hundred and forty-five and six :

To A. R. Thomas, the sum of ten dollars, for illuminating the Capitol on the eighth of January, eighteen hundred and forty-six :

General appropriations.

To A. R. Thomas, the sum of five dollars, for collecting the stationery and filing a receipt with the Secretary of State for the same :

To A. R. Thomas, the sum of five dollars and forty-six cents, for articles furnished for the use of the present General Assembly, and for postage paid on letters officially addressed to the President of the Senate, and the Chairman of the committee on the State Bank and Branches :

To Henry A. Snow & Co., the sum of twenty-six dollars and sixty-nine cents, for coal, furnished for the use of the present General Assembly :

To W. P. Spink, sheriff of Washington county, the sum of fifty-one dollars and fifty cents, for expenses incurred for carrying a State's prisoner from said county to the county of Mobile, on a change of venue :

To William F. Andress, sheriff of Monroe county, the sum of nine dollars and twenty-five cents, for making Congressional return from said county :

To James H. Owen, doorkeeper of the House, ten dollars for illumination of the Capitol, on the night of the eighth January; ten dollars for collecting the stationery; and one dollar and twenty-five cents per day for servant hire during the session :

To James H. Owen, for mending fire place in House of Representatives, three dollars :

To David Woodruff, for stationery furnished the House, two dollars and seventy-five cents :

To Sanford and Wilson, for advertising in eighteen hundred and forty-two and three, one hundred and five dollars and fifty cents :

To D. C. Hewell, the sum of one hundred and eight dollars and seventy-five cents for wood and pine furnished for the use of the General Assembly :

All of which is to be paid out any money in the treasury not otherwise appropriated, and the Comptroller will issue his warrant on the State Treasurer for the same.

Approved, 4th February, 1846.

[No. 349.]

AN ACT

Making appropriations for the payment of certain claims
against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several sums of money hereinafter named, be, and the same are hereby appropriated, to the several persons hereinafter mentioned, that is to say:

Appropriations to Sheriffs, Jailers, &c.

To Hugh P. Caffey, jailer of Montgomery county, the sum of seventy-three dollars and sixty cents, for victualing prisoners, in jail of said county:

To Joseph Gill, jailer of Jefferson county, the sum of fifty-six dollars and forty cents, for victualing State prisoners, in jail of said county:

To L. Stallings, jailer of Cherokee county, the sum of one hundred and seventy-five dollars and forty cents, for victualing State prisoners in jail of said county:

To Richard Taylor, jailer of Chambers county, the sum of one hundred and twelve dollars and thirty-five cents, for victualing State prisoners in jail of said county:

To C. A. Abercrombie, sheriff of Macon county, to victualing State prisoners in jail of said county, and conveying same from said county to Russell county, under a writ of *habeas corpus*, the sum of twenty-nine dollars and eleven cents:

To E. G. Hodges, sheriff of Barbour county, for conveying State prisoner from said county, under a writ of *habeas corpus*, to the county of Montgomery, the sum of twenty dollars and seventy-five cents:

To the same, for conveying State prisoners on a change of venue, to Montgomery, Pike and Henry counties, the sum of seventy dollars and eighty-five cents:

To H. J. Cates, jailer of Bibb county, the sum of forty-seven dollars and thirty-one cents, for victualing State prisoners in the jail of said county:

To the same, the sum of one hundred and twenty dollars and forty cents, for victualing State prisoners in jail of said county:

To Micajah Young, jailer of Macon county, the sum of forty-nine dollars and forty cents, for victualing State prisoners in jail of said county:

To John Lipp, jailer of Randolph county, the sum of five dollars, for board of State prisoners in jail of said county:

To Lewis Johnson, special deputy sheriff of Morgan county, the sum of nine dollars, for making Congressional returns for the district, at Moulton:

To W. E. Ellis, sheriff of Conecuh county, the sum of one hundred and fourteen dollars and seventy five cents, for victualing Stae prisoners in jail of said county:

To William Jennings, jailer of Tuscaloosa county, the sum of four hundred and six dollars and seventy-five cents, for victualing State prisoners in jail of said county:

To James Merritt, jailer of Tuscaloosa county, the sum of eighty-three dollars and seventy-five cents, for victualing State prisoners in jail of said county:

Appropriations to Sheriffs, Jailers, &c.

To William Beck, deputy sheriff of Covington county, the sum of twelve dollars, for making Congressional returns of said county:

To Joseph C. Rawles, sheriff of Tallapoosa county, the sum nine dollars, for conveying State prisoner to and from Lafayette, Chambers county:

To William Burke, sheriff of Marengo county, the sum of forty one dollars and fifty cents, for victualing State prisoner in jail of said county:

To J. F. Connelly, sheriff of Dallas county, the sum of two hundred and eighty-one dollars and fifty-five cents, for board of State prisoners in jail of said county, and making Congressional returns for the same:

To Catherine Cobb, jailer of St. Clair county, the sum of one hundred and fourteen dollars and eighty cents, for victualing State prisoners in jail of said county:

To Daniel Cribbs, sheriff of Tuscaloosa county, the sum of two hundred dollars, for services rendered in attendance on the Supreme Court, as sheriff, for the year eighteen hundred and forty-five:

To David M. Hall, sheriff of Coosa county, the sum of one hundred and one dollars and sixty cents, for victualing State prisoners in jail of said county:

To A. Brown, constable of the county of Benton, the sum of nine dollars, for conveying State prisoners to jail in St. Clair county:

To John Chenault, sheriff of St. Clair county, the sum of twenty-eight dollars and twenty-four cents, for conveying State prisoners to Jacksonville, on a change of venue, and making Congressional returns for Sixth Congressional district:

To Weeks Pippin, of Henry county, the sum of sixteen dollars, for victualing State prisoners in jail of said county:

To Burtis Bird, ex-officio sheriff of Dale county, the sum of twelve dollars and fifty cents, for making Congressional returns for Dale, eighteen hundred and forty-five:

To John Allen, deputy sheriff of Walker county, the sum of fifteen dollars and seventy-five cents, for making Congressional returns for that county, eighteen hundred and forty-five:

To L. W. O'Neal, jailer of Tuscaloosa county, the sum of eighty-one dollars and twenty cents, for victualing State prisoners in jail of said county:

Appropriations to Sheriffs, Jailers, &c.

To Young Mann, sheriff of Henry county, the sum of ninety-seven dollars and fifty cents, for conveying State prisoners from Montgomery county to Henry county, on a change of venue, &c :

To R. C. Mason, jailer of Morgan county, the sum of four hundred and seventy-three dollars and sixty cents, for victualing State prisoners in jail of said county:

To David M. Hall, jailer of Coosa county, the sum of twenty-seven dollars and sixty cents, for board of State prisoners in jail of said county:

To John K. Henry, attorney, of Butler county, the sum of ten dollars, for defending a free man of color, named Henry, as counsel assigned said negro by the Court:

To J. K. Hawthorn, the sum of nine dollars and twenty-five cents, for making Congressional return from Conecuh county, in First Congressional district:

To John R. Kirkland, sheriff of Fayette county, the sum of three hundred and seventy-nine dollars and thirty-five cents, for keeping State prisoners in the jail of said county:

To Lafayette Robinson, jailer of Conecuh county, the sum of thirty-six dollars and thirty cents, for keeping State prisoners in jail of said county:

To W. J. Willis, sheriff of Benton county, the sum of nine dollars for making Congressional returns of said county for eighteen hundred and forty-five:

To John Snodgrass, sheriff of Jackson county, the sum of nine dollars and fifty cents, for making Congressional returns for said county, eighteen hundred and forty-five:

To Thomas D. Clarke, solicitor, the sum of ten dollars, for State services, in convicting a slave, John, in the county of Greene:

To Hugh P. Caffey, jailer of Montgomery county, the sum of twelve hundred and seventy-five dollars and eighty cents, for victualing State prisoners in the jail of said county:

To Joseph C. Rawls, sheriff of Tallapoosa county, the sum of forty-nine dollars and nineteen cents, for conveying State prisoner from Dadeville to Talladega, under a writ of *habeas corpus*, and making Congressional returns for said county of election in eighteen hundred and forty-five:

To Salmon Washburn, jailer of Tallapoosa county, the sum of sixty-four dollars and eighty cents, for victualing State prisoners in jail of said county:

To Sygnor Moore, deputy sheriff of Randolph county, the sum of twelve dollars, for making returns for that county, in Congressional election of eighteen hundred and forty-five:

To William S. Walker, jailer of Randolph county, the sum of thirty-eight dollars, for feeding State prisoners in jail of said county:

To Austin Murphree, sheriff of Blount county, the sum of one hundred and sixty-three dollars and forty cents, for keeping State prisoners in jail of said county:

To Calvin J. Gulley, sheriff of Greene county, the sum of five hundred and twenty-eight dollars and seventy-five cents, for keeping State prisoners in jail of said county:

Appropriations to Sheriffs, Jailers, &c.

To Dixon Hestle, jailer of Monroe county, the sum of sixty-five dollars and twenty cents, for keeping State prisoners in jail of said county:

To John L. Bayes, deputy sheriff of Jefferson county, the sum of nine dollars, for making Congressional returns of said county of election, eighteen hundred and forty-five:

To John Owens, sheriff of Henry county, the sum of fourteen dollars and twenty-five cents, for conveying State prisoner from Henry to Barbour county, by order of Court:

To F. Snow, jailer of Benton county, the sum of forty-four dollars and forty cents; for victualing State prisoners in jail of said county:

To W. J. Green, jailer of Jackson county, the sum of forty-seven dollars and twenty cents, for keeping State prisoners in jail of said county:

To John P. Boyle, glazier, of Tuscaloosa county, the sum of six dollars and eleven cents, for repairs done the Capitol:

To W. P. Pettus, sheriff of Lauderdale county, the sum of nine dollars and fifty cents, for making Congressional returns for that county, of the election of eighteen hundred and forty-five:

To Britton Stamps, sheriff of Chambers county, the sum of fifteen dollars, for making Congressional returns for that county, of election of eighteen hundred and forty-five:

To Arthur M. Sweany, sheriff of Limestone county, the sum of nine dollars and seventy-five cents, for making Congressional returns of said county, in election of eighteen hundred and forty-five:

To Thomas J. Harrell, of Chambers county, the sum of one hundred dollars for prosecuting State prisoners to conviction:

To H. Wheeler and Lee L. James, the sum of fifty dollars for informing against and prosecuting Thomas Reams, (a thief,) to conviction, in the county of Chambers:

To J. B. Savage, sheriff of Clarke county, the sum of forty three dollars and thirty cents, for conveying State prisoners from Clarke county jail to Monroe county jail, on a change of venue.

To Woodson Seay, jailer of Talladega county, the sum of one hundred and six dollars and twenty cents, for board of State prisoners in jail of said county.

To Robert Parker, sheriff of Bibb county, the sum of twelve dollars, for making Congressional returns for said county, election of eighteen hundred and forty-five.

Appropriations to Sheriffs, &c.

To Amos P. Galloway, sheriff of Lawrence county, the sum of two hundred and seventy-five dollars and twenty cents, for keeping State prisoners in jail of said county:

To William H. Davis, sheriff of Pickens county, the sum of fifty-four dollars and eighteen cents, for conveying State prisoners from Greene county jail to Pickens county:

To B. F. Roper, jailer of Pickens county, the sum of one hundred and seventy-seven dollars and fifteen cents, for keeping State prisoners in jail of said county:

To Robert Hughes, sheriff of Marion county, the sum of fifty-seven dollars and twenty cents, for keeping State prisoners in jail of said county:

To H. A. Snow & Co. of Tuscaloosa county, the sum of forty-six dollars and forty cents, for pitchers, wash bowls, &c., furnished the State:

To J. Duffee, of Tuscaloosa county, the sum of six dollars, for wash bowls, &c. furnished the State:

To M. L. McMillon, of Jefferson county, the sum of two hundred dollars for services rendered as clerk in the Comptroller's office:

To John L. Calhoun, sheriff of Russell county, the sum of fifteen dollars, for making Congressional returns for that county, of election of eighteen hundred and forty-five:

To Allen Frazier, sheriff of Pike county, the sum of thirty-nine dollars and fifty cents, for making Congressional returns of that district, at the seat of Government:

To John M. Cole, sheriff of Lowndes county, the sum of fifteen dollars and twenty cents, for making Congressional returns of that county of the election of eighteen hundred and forty-five:

To Thomas H. Brasher, sheriff of Shelby county, the sum of eighteen dollars for making Congressional returns for that county of the election of eighteen hundred and forty five.

To J. T. Henderson, sheriff of Butler county, the sum of thirty-seven dollars and sixty-five cents, for making Congressional returns of that county of eighteen hundred and forty-five, and for keeping State prisoners in jail in said county:

To Simeon Denning, jailer of Butler county, the sum of seventy dollars and twenty-five cents, for keeping State prisoners in jail of said county:

To William P. Newell, sheriff of Randolph county, the sum of thirty dollars and eighty cents, for conveying a State prisoner from Randolph county jail to Talladega county jail under a change of venue:

Sec. 2. *And be it further enacted*, That the several sums of money hereinafter named, be, and the same are hereby appropriated to the several persons hereinafter mentioned, that is to say :

To Willis B. Cox, jailer of St. Clair county, the sum of twenty-eight dollars and eighty cents, for victualing prisoners confined in the jail of said county :

To John Owen, sheriff of Henry county, the sum of twenty-seven dollars and fifty cents, for expenses, &c., incurred in removing a prisoner from the jail of Barbour county to Henry county, on a change of venue :

Appropriations to Sheriffs, &c.

To William G. Ryans, of Talladega county, the sum of thirty-eight dollars and fifteen cents, for moneys expended, &c., in conveying a State prisoner to Coosa county :

To Winston P. Pettus, sheriff of Lauderdale county, the sum of sixty-four dollars and eighty cents, for victualing prisoners confined in the jail of said county :

To David W. Staples, jailer of Marshall county, the sum of nineteen dollars and twenty cents, for victualing prisoners confined in the jail of said county :

To Robert Murphy, sheriff of De Kalb county, the sum of sixteen dollars and twenty-five cents, for expenses, &c., incurred in conveying a State prisoner to Cedar Bluff, Cherokee county :

To James H. Thompson, sheriff of Sumter county, the sum of sixty-five dollars and sixty cents, for victualing prisoners confined in the jail of said county :

To Pleasant J. Mitchell, jailer of Marshall county, the sum of sixteen dollars, for victualing prisoners confined in the jail of said county :

To Foster M. Kirksey, sheriff of Greene county, the sum of ninety dollars and ninety-five cents, for victualing prisoners confined in the jail of said county :

To Charles Bancroft, sheriff of Mobile county, the sum of four thousand, three hundred and six dollars and eighty cents, for victualing prisoners in the jail of said county :

To William Easley, sheriff of Talladega county, the sum of twenty-seven dollars and seventy-five cents, for moneys, &c., expended in conveying a State's prisoner to Randolph county, on a change of venue :

To Berry R. Carter, jailer of Talladega county, the sum of one hundred and one dollars and twenty cents, for victualing prisoners confined in the jail of said county :

To M. M. Bonham, sheriff of Wilcox county, the sum of three hundred and twenty-four dollars and fifty cents, for victualing prisoners confined in the jail of said county, and for moneys, &c., expended in conveying convicts from said county to the Penitentiary :

To S. S. Houston, jailer of Washington county, the sum of forty-eight dollars and five cents, for victualing prisoners confined in the jail of said county :

To Joseph S. Clarke, jailer of Madison county, the sum of

one hundred and seventy-four dollars and ninety cents, for victualing prisoners confined in the jail of said county:

Appropriations to Sheriffs, &c.

To William Easley, sheriff of Talladega county, the sum of eleven dollars and twenty-five cents, for moneys, &c., expended, in taking prisoner before the Hon. George W. Stone, Judge of the Ninth Judicial Circuit, by virtue of a writ of *habeas corpus* :

To Thomas H. Brasher, sheriff and jailer of Shelby county, the sum of forty-two dollars and eighty cents, for victualing prisoners, confined in the jail of said county.

Sec. 3 *And be it further enacted*, That the sums hereinafter named, be, and the same are hereby appropriated to the several persons hereinafter mentioned, that is to say :

To William Garrett, of Tuscaloosa county, the sum of one hundred dollars, for taking care of the State House furniture, &c., for the year eighteen hundred and forty-five :

To Reuben Estis, sheriff of De Kalb county, the sum of nine dollars, for making Congressional return from said county for the year eighteen hundred and forty-five :

To Robert Murphy, late sheriff of De Kalb county, the sum of nine dollars, for making Congressional return from said county for the year eighteen hundred and forty-three :

To Daniel Cribbs, late sheriff of Tuscaloosa county, the sum of thirty-three dollars, for services rendered in attending on the Supreme Court :

To Elbert L. Gibson, former sheriff of St. Clair county, the sum of nine dollars, for making Congressional return from said county in eighteen hundred and forty-three :

To Henry Adams, sheriff of Coffee county, the sum of nine dollars and twenty-five cents, for making Congressional return from said county, for the year eighteen hundred and forty-five :

To Thomas S. Johnson, of Tuscaloosa county, the sum of twelve dollars, for articles furnished for the use of the State House, for the year eighteen hundred and forty-five :

To F. K. Beck, solicitor of Second Circuit, the sum of fifty dollars, for prosecuting five slaves to conviction :

To Armstead R. Thomas, doorkeeper of the Senate, the sum of fifteen dollars and nineteen cents, it being a balance for servant hire for the session of eighteen hundred and forty-five, and for having chairs repaired for the use of the Senate Chamber, at the present session :

To William M. Montgomery, of Tuscaloosa county, the sum of fifty dollars, for services rendered in making out report for joint examining committee, appointed to examine the State Bank and Branches :

To Young Mann, sheriff of Henry county, the sum of twelve dollars, for making Congressional return from said county, for the year eighteen hundred and forty-five :

To Wilson C. Bibb, deputy sheriff of Madison county, the sum of twelve dollars and fifty cents, for making Congressional return from said county, for the year eighteen hundred and forty-five :

Appropriations to certain persons.

To James R. Lyon, of Tuscaloosa county, the sum of six dollars and two cents, for articles furnished for the use of the the Senate Chamber, at the present session of the General Assembly:

To James L. Raney, and William H. Dawson, of Limestone county, the sum of fifty dollars, for prosecuting to conviction, James Flake, for horse stealing ;

To Charles A. Abercrombie, sheriff of Macon county, the sum of thirty eight dollars and sixty-five cents, for moneys expended in taking State prisoners to Montgomery county upon a writ of *habeas corpus*:

To William Easley, sheriff of Talladega county, the sum of forty-eight dollars and eighteen cents, for moneys, &c., expended, in carrying a State prisoner to the county of Benton, by order of Court:

To James R. Lyon, of Tuscaloosa county, the sum of fifteen dollars and thirty-eight cents, for articles furnished the House of Representatives, at the present session; all of which are to be paid out any money in the Treasury, not otherwise appropriated, and the Comptroller of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for the same.

Approved, 26th January, 1846.

[No. 350.]

AN ACT

To compensate certain persons therein named, for their attendance at Tuscaloosa, as witnesses in the matter of the petition of Henry Hawley, praying for the removal of Seymour White, Judge of the County Court of Henry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant on the Treasurer in favor of Francis M. Perryman, a messenger sent to Henry county, for the sum of seventy-five dollars; also in favor of Thomas S. Harvey, Young Mann, Hickman Davis, Allen T. Lewis, and Daniel McCrimman, witnesses in behalf of the State, in the matter of the removal of Seymour White, Judge of the County Court of Henry county, the sum of seventy-five dollars, each, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, 13th January, 1846.

[No. 351.]

AN ACT

Making appropriations for the payment of certain claims.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Treasurer of the State, be, and he is hereby required to pay to the Warden of the Penitentiary, the sum of eleven thousand dollars, out of any moneys in the Treasury not otherwise appropriated, for the purpose of paying the debts now due by said Penitentiary; and the said Warden is required, out of said sum, to pay the debts now due, so far as the same will pay the same.

Approved, 29th January, 1846.

[No. 352.]

AN ACT

To pay off a certain claim therein named, against the Penitentiary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant upon the Treasury, in favor of the Warden of the Penitentiary for the sum of five hundred and eighty-six dollars and forty-four cents, to be applied to the payment of the claims of Haynes W. Barton, of Coosa county, against said Penitentiary.

Approved, 31st January, 1846.

MEMORIALS AND JOINT RESOLUTIONS.

JOINT RESOLUTIONS

Ratifying the proposed amendments to the Constitution of the State of Alabama, providing for Biennial Sessions of the Legislature, and for other purposes.

Whereas, the General Assembly of this State, at the last session of the same, duly submitted to the people of the said State, proposed amendments to the Constitution of the said State: And whereas, the people of this State, in the manner and form as provided by the Constitution of this State, have accepted the said amendments, which are in the words and figures following:

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following amendments to the Constitution of the State of Alabama, be proposed to the people of said State, which when agreed to by a majority of all the citizens of said State voting for Representatives, and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes, as parts of the Constitution of the State of Alabama, to wit:

Strike out the words "one year," where they occur in the second section of the third article, and insert in lieu thereof, "every two years."

Strike out the words "every year," where they occur in the third section of the third article, and insert in lieu thereof, "at each session."

Strike out the word "annually," where it occurs in the fourteenth section of the third article, and insert in lieu thereof, "at each session."

Strike out the word "annual," where it occurs in the eighth section of the fourth article, and insert in lieu thereof, "biennial."

Strike out the thirteenth section of the third article, and insert in lieu thereof the following:

"At the first meeting of the General Assembly, after the adoption of

the proposed amendments, the Senators when convened shall be divided by lot into two classes, as nearly equal as may be. The seats of the Senators of the first class, shall be vacated at the expiration of the two next ensuing years; and those of the Senators of the second class, shall be vacated at the expiration of the four next ensuing years; so that one half may be biennially chosen thereafter, and a rotation thereby kept up perpetually."

Strike out the twenty ninth section of the third article, which permanently locates the Seat of Government in this State. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, two-thirds of each house concurring, That the aforesaid amendments to the Constitution, proposed as aforesaid, and accepted by the people as aforesaid, be ratified, and that the same, from and after the passage of this resolution, be, and form a part of the Constitution of the State of Alabama.

JOHN A. WINSTON,

President of the Senate.

A. B. MOORE,

Speaker of the House of Representatives.

JOINT RESOLUTIONS

For the benefit of Lucy Hatter and the Trustees appointed by Lucy and John L. Hatter for the preservation of property for the use of said Lucy Hatter.

Whereas, Lucy Hatter, and John L. Hatter, her husband, both of Pickens county, did, in an instrument of writing of the nature of a deed, convey to Peyton King, of the county of Pickens and Robert Jemison, of the county of Tuscaloosa, the distributive share of Lucy Hatter, as one of the children, and as such, one of the heirs of the estate of Dabney Puckett, deceased, her father—she having heretofore received nothing from said estate—to be kept by them as trustees or guardians, for the benefit and use of said Lucy Hatter and her heirs; which instrument in writing was signed, sealed and delivered, on the twenty-seventh day of October, eighteen hundred and forty-five, and acknowledged before the clerk of the County Court of Pickens county, and filed and recorded in his office, on the same day, in book O, page four hundred and sixty-three, four and five: now for the purpose of more fully carrying said instrument in writing into full effect, without the intervention of trustees:

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it shall be lawful for Lucy Hatter of the county of Pickens, wife of John L. Hatter, to take, receive, and hold, by gift, purchase or inheritance, any pro-

perty, either real or personal, free from the molestation, hinderance or authority, and free from any liability to pay the debts or contracts of her husband, the said John L. Hatter, and the same to dispose of by will, gift or sale, in the same manner as if she were a *feme sole*.

Approved, 13th December, 1845.

REPORT AND JOINT RESOLUTIONS

In relation to the death of General ANDREW JACKSON.

The select Committee, to which was referred so much of the Governor's message, as relates to the death of General ANDREW JACKSON, have had the same under consideration, and beg leave to report:

That in responding to the suggestions of His Excellency, Benjamin Fitzpatrick, relative to this melancholy event, your Committee but too sensibly feel how inadequate is language to express the deep-seated and pervading regret, which the announcement of this National affliction, brought upon our whole land. And though the hurried revolutions of every day life, have followed the solemn obsequies of the departed Soldier, still the oppressed heart of the nation, throbs with a stronger energy at the mention of him, whose name, while living, was a talisman of good; and whose spirit "from his urn" shall still "rule" his country's destiny. The universal sorrow evoked by this sad though not unlooked for event, from all grades and hues of persons and opinions, immediately on the close of an acrimonious and highly exciting party conflict—a conflict in which the "illustrious dead" performed no ordinary part—the utter oblivion of all divisions and all strifes, in the common desire to pay the last sad tribute of respect to the memory of the Hero and the Statesman—all attest, that ANDREW JACKSON, of all his cotemporaries "was first in war, first in peace, and first in the hearts of his countrymen." The enumeration of those virtues, and the recital of those deeds which bequeath his name to immortality, belong not to this occasion, but are to form the glorious themes, of those whose province it shall be to illuminate our Nation's history. Adorning the brightest page of our national glory, and standing side by side with those of the Father of His Country, the private virtues and public achievements of this remarkable man, shall tell to those who are to succeed him, how a Soldier should conquer, and a Statesman rule—how an honest man should live, and a Christian die. In reviewing the eventful life of this distinguished citizen, we cannot but be painfully impressed with the evanescence of all earthly greatness; while his calm and Christian exit elevates every reflecting mind, to the contemplation of those higher honors, which pass not away! ANDREW JACKSON is no more! and though the recollection of his personal virtues and public services, tell through every feeling nerve to the surviving freemen of our land, how frail a memento of departed worth, is the

sculptured column, which shall rise to prolong his name, yet we have the assurance that his more enduring monument shall be a place in "the hearts of the good and brave," through all coming time. Responding to the universal and spontaneous expression of sorrow, at the death of this great man, which arose throughout the length and breadth of the Nation, but more especially from the midst of those whose representatives we are: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That while the State of Alabama deplores the death of ANDREW JACKSON, she will ever cherish his memory, as one of the last and most noble of that illustrious band of patriots, who achieved our liberties, by their valor, and secured them by their wisdom.

Resolved, That in his death the country has lost a great public benefactor; republican freedom, an able and consistent friend; and human liberty throughout the world, a bold and fearless champion.

Resolved, That as the representatives of a State, in whose behalf he rendered signal services, amid peril, hardships and disaster, we desire to record upon the Legislatures archives of the same, the deep sense of gratitude we entertain for his services, and the sincere regret we feel for his death.

Resolved, That His Excellency, the Governor be requested to forward a copy of this Preamble and Resolutions to the family of the deceased.

JOINT RESOLUTION

For the relief of the late Tennessee Canal Commissioners.

Whereas, it appears from the report of the agent, appointed by the Governor, to settle with the late Tennessee Canal Commissioners, for the iron removed by them, from said Canal, that it was necessary to remove the same, to save it from depredations and loss; that the quantity so removed, was twenty-six thousand pounds, nineteen thousand three hundred and twenty-six pounds of which have been sold for the sum of seven hundred and seventy-eight dollars and eighty-eight cents, leaving unsold six thousand six hundred and seventy-four pounds of said iron worth about two hundred and fifty dollars: And whereas, the said Commissioners borrowed from the Branch Bank at Huntsville, the sum of two thousand dollars to repair the said Canal, which debt amounted on the first of June last to two thousand three hundred and seventy-four dollars and thirty-nine cents: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the proceeds of the iron sold by order of said Commissioners, as well as the iron unsold, remaining in the hands of their agents, be, and the same is hereby relinquished to James Irvine, James H. Weakley, and Thomas J. Fos-

ter, to be by them applied to the payment of the said debt contracted by them, and their associates at said Branch Bank, for the use of said Canal: *Provided*, said James Irvine, James H. Weakley, and Thomas J. Foster shall pay to Henry A. Bragg, for his settlement with them, the sum of thirty dollars, out of the proceeds of the sale of said iron.

Approved, 4th February, 1846.

JOINT MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States, on the subject of deepening the Channel of Mobile Bay, and opening the Iberville River.

The Memorial of the General Assembly of the State of Alabama respectfully represents, that the people of this State are subjected to an enormous annual tax upon their exports and imports, in consequence of the want of a sufficient depth of water over Dog River and Choctaw Pass bars, in Mobile Bay, to admit ships of any considerable depth of water to come to wharves at the city of Mobile. Vessels drawing over ten feet are compelled to lie in the lower bay, from fifteen to twenty-five miles below the city. Nearly all the cotton shipped from, and the merchandise imported into Mobile, is compelled to pay an onerous literage charge, amounting in the aggregate to about two hundred thousand dollars per annum. This is embarrassing to our commerce, and a direct tax upon the industry of the people of this State.

The appropriations heretofore made by the General Government, for the purpose of deepening a channel through these bars, and which have been expended chiefly in Choctaw Pass, have fully tested the practicability of the work at an expense far within the limits of an enlightened economy, having reference to the importance of the object to be attained. The time that has elapsed since the expenditure of former appropriations has also furnished evidence that the work, when completed, is likely to remain permanent.

Your memorialists would therefore pray your honorable bodies, to take the subject into immediate consideration, and make such appropriations as will ensure the deepening of the channel, through these bars, to a depth that will allow the passage of vessels drawing fourteen feet, at low water, and the construction of jetties across the heads of the Tensaw and Spanish rivers, branches of the Mobile river, in such a manner as to throw an increased volume of the river into the main channel which passes the city of Mobile.

Your Memorialists would further call the attention of Congress, to the importance of re-opening the river Iberville, or Manchac, in Louisiana, which formerly connected the Lake Ponchartrain, by way of Lake Maurepas, with the Mississippi river, at a point a short dis-

tance below the town of Baton Rouge. This river was formerly an open, navigable stream, and of sufficient note to be recognized and established by the Treaty of Paris in seventeen hundred and sixty-three, as a part of the boundary line between the possessions of Great Britain and France. The line established by the Treaty commencing at the source of the Mississippi, and pursuing the middle of that stream to the Iberville, deflected thence from the "Father of Waters," by a line drawn along the centre of the Iberville, through the Lakes Maurepas and Ponchartrain, to the Sea.

The Iberville, at this period, an outlet of the Mississippi, so large as to give the appellation of "an island" to that part of Louisiana on which New Orleans is situated, is now, at its point of former efflux from that stream, entirely filled up and obliterated. It was open down to the period of the last war with Great Britain. During the invasion of New Orleans, obstructions were thrown into it, by order of General Jackson, under the apprehension that the enemy might attempt to pass in their boats through the Lakes, which were at that time without adequate defence, and the Iberville into the Mississippi, and thus fall upon New Orleans from above, and cut off the American army from its supplies. Anterior to this period, this branch, or outlet of the Mississippi, was of but little practical importance to the trade and commerce of the country.

The products of the West, then in its infancy, found a ready and remunerating market in New Orleans. The products of the territory, which now constitutes the States of Mississippi and Alabama, were almost identical with those of the West; and hence, little or no inducement to commercial intercourse, existed between these two sections of country. Since then, the products of the West and South have become diverse. The cultivation of our great staple to the exclusion of almost every other industrial pursuit, has opened amongst us an important market for the provisions and manufactures of the western States. We cannot obtain them at present, except by purchase or transshipment at New Orleans, which greatly enhances their prices to us. The class of vessels which can alone be profitably employed in navigating the Mississippi, are unfit for the sea, and cannot with full cargoes, or safety, reach our waters by the way of the Balize and the Gulf.

Your Memorialists would therefore respectfully urge your honorable bodies to cause the navigation of the Iberville to be re-opened, by removing the obstructions which have been placed in it, by your own representative, and the removal of such other impediments as may have been subsequently added by private hands. When the Iberville shall have been rendered navigable, boats can take in their cargoes at Pittsburg, St. Louis, Florence, and all other Western marts, and proceed direct to Mobile, and in good stages of water, to Montgomery, Tuscaloosa, and other interior towns in South Alabama.

The importance of this improvement in the event of war with a mar-

atime power can scarcely be over estimated. The navigation between Lake Ponchartrain and Mobile Bay, is sheltered from the Gulf by a range of low sand islands which would prevent the ingress of ships of war; hence a war would not materially affect our commerce with the west, if this avenue were open to us. Provisions, military stores, munitions of war, and men could be speedily transported from the teeming west, and from our national foundry at Memphis, to Mobile Bay, and the intermediate coast, and even to Pensacola, for the defence of our Gulf frontier, with little danger of interruption from any foreign enemy: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to carry into effect the views contained in the foregoing memorial; and that His Excellency the Governor, cause copies of this memorial and resolution to be forwarded to each of our Senators and Representatives.

Approved, 5th February, 1846.

JOINT MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States.

The General Assembly of the State of Alabama, respectfully requests the Congress of the United States to graduate and reduce the price of the Public Lands, within the State of Alabama, which have been long in market, and remain unsold, with a view of getting clear of the expense of the Land Office system, and make those lands private property.

There are some nineteen millions of acres of Public Lands within the State, which have been in market, some for ten, some for twenty, and some for thirty years, or upwards, and notwithstanding the several periods of a rise and fall of prices of products, and the great rise of lands, and speculations in them, and notwithstanding our citizens have been seized with a spirit of speculation, and have traversed all the west, and south western States in quest of public lands, yet so worthless are the barrens and mountains of Alabama, that but few tracts have been entered of this great waste. Congress has often been requested to graduate the prices according to the periods of time they have been in market, and has hitherto refused to grant this most reasonable request. If ten cents per acre had been obtained for them twenty years ago, it would have been a great benefit to both the State and General Government. The one would have had the value of the property, and would have been free from the expense of attending to it, whilst the other would have had more independent citizens. As it is, Congress

owns waste valueless land, and Alabama has an uninhabitable desert, instead of a meritorious tax paying people. Why should Congress longer attempt to force up the prices of deserts, and mountains, or why should Congress longer persist in asking her people as much for a bad article as she does for a good one, while those deserts and mountains have been surrounded by inhabitants from fifty to two hundred years, are yet not worth twenty cents per acre, and in many cases not worth half of that sum? What reason is there to conclude that similar lands are worth more money in Alabama, where there are fewer inhabitants, more recently settled, and the country less healthy? Your memorialists request, that Congress may reduce the prices of said lands, according to the periods of time that the several districts may have been in market, and securing rights of pre-emption to occupants for limited periods of time, at each stage of reduction.

And be it resolved, That the Governor transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress.

JOINT RESOLUTION

For the benefit of Alabama Military and Scientific Institute, in Macon County.

Whereas, it is deemed essential to the prosperity and welfare of the Military Institute, located in the county of Macon, which doubtless will prove a benefit and honor to the State, and bring forward young men prepared to assume direction in our militia in case of necessity—its condition flourishing—the course of instruction the same as at West Point—its commanding officer well versed in military science, having served in the United States Army:

And whereas, the Institute being deficient in the necessary kind of arms, which are well calculated, not only for the students of said Institute, but equally as efficient in every respect, for usage in war for the militia of the State, the only difference is in weight, and the arms of the Institute subjected to daily inspection by the commanding officer, and always ready for service.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That trusting in the integrity, skill, energy, and high character of Charles H. Goldsborough, the commanding officer of said Institution, he is authorized to apply to the Secretary of War, for such description of arms (muskets) as in his wisdom the Institute may require, in lieu of the muskets apportioned and furnished to the State of Alabama, on condition that he shall give bond to the Governor of the State and his successors in office, for the safe keeping and final return of said arms.

Approved, 4th February, 1846.

JOINT RESOLUTIONS

In relation to the line of boundary between the States of Georgia and Alabama.

Whereas, disputes have arisen in deriving the true line of boundary between the States of Georgia and Alabama, whereby the interests of this State have been placed in jeopardy : And whereas, the citizens of Alabama residing upon said disputed boundary should be protected in the full enjoyment of all their rights:

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That by the deed of cession made by the State of Georgia on the twenty-fourth day of April, eighteen hundred and two, to the United States, of "all the right, title and claim, which the said State had to the jurisdiction and soil, of the lands situated west of a line, beginning on the western bank of the Chattahoochie river, where the same crosses the boundary line between the United States and Spain," (now the State of Florida,) "running thence up the said river Chattahoochie, and along the western bank thereof, to the great bend thereof," the true intent of the high contracting parties thereto, was, that the State of Georgia should retain the river Chattahoochie in her own domain, and grant to the United States all her territory west of said river ; and that the said river Chattahoochie, from the Spanish territory, (now the State of Florida,) up to the great bend of said river, should become the boundary between the lands thus ceded to the United States and the State of Georgia.

And be it further resolved, That by no just or liberal construction of said conveyance, can the State of Georgia exercise, or claim jurisdiction, civil or criminal, over any soil, west of the ordinary channel of the Chattahoochie river ; and that the line designated by the margin of said stream, against the western bank thereof, at the ordinary stages of its waters, is hereby declared to be the true line of boundary between the States of Georgia and Alabama.

And be it further resolved, That the Governor of this State be, and he is hereby authorized and required to employ counsel, to defend the claim of her citizens in said disputed boundary, and to aid in a full adjudication of their rights, whenever the same shall be by him deemed necessary and proper.

Approved, 3d February, 1846.

JOINT RESOLUTION

In relation to a part of Section Sixteen, Township Seventeen, Range Four, East, in Marengo County.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the contract of purchase of the south west quarter of section sixteen, in township seventeen, in range four, east, in Marengo county, between John H. Ray, late of said county, deceased, and the commissioners of said sixteenth section, by, and with the consent of a majority of the white male inhabitants of said township over the age of twenty-one years, and of the administrator or executor of said John H. Ray, deceased, and the other co-makers of the note, may be rescinded and set aside : *Provided*, that the consent of said inhabitants as aforesaid be ascertained by an election, to be publicly held by said commissioners at some place, in said township, after twenty day's notice of the time and place of such election, posted up in three or more public places in said township : *And provided also*, that no money that may have been heretofore paid in virtue of said contract, shall be refunded.

Approved, 4th February, 1846.

JOINT RESOLUTIONS

To provide for the preservation of a portion of the Public Arms.

Whereas, in the month of December, A. D., eighteen hundred and forty, on account of an apprehended insurrection of the slave population in and near the town of Demopolis, in Marengo county, the Quarter Master General, with the concurrence of the Governor of this State, forwarded to that place from the State Arsenal at Tuscaloosa, about eighty muskets, with cartridge boxes, bayonets, &c., without requiring the execution of any legal bond for their return : And whereas, also, said muskets, &c., having been distributed to the citizens of said town and its vicinity, remained thus scattered, until the summer of eighteen hundred and forty five, when the greater part of the same were collected by William H. Roberts, of said town : But whereas, also, said muskets, &c., are subject to continual injury for the want of proper care and skill for their preservation : Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Quarter Master General be, and he is hereby directed and required, either by himself, or by properly authorized agent, to proceed forthwith to the said town of Demopolis, and to take charge of such of said muskets, cartridge boxes, bayonets, &c., as remain and can be procured, and to have the same returned to the State Arsenal at Tuscaloosa.

Be it further resolved, That the sum of twenty-five dollars, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid to the said William H. Roberts, for his attention and labour in collecting said muskets, &c.

Be it further resolved, That for his services, to be performed as above specified, the Quarter Master General shall have his account audited and approved by the Comptroller of Public Accounts, and paid out of any money in the Treasury not otherwise appropriated.

Approved, 13th January, 1846.

JOINT RESOLUTION

Providing for the pay of J. J. Hooper, Assistant Engrossing Clerk.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the sum of five dollars per diem, be allowed to J. J. Hooper, employed by the Engrossing Clerk of this House to assist in the engrossing department, for the time during which such assistance has been rendered, and that the same sum per diem, be allowed him while he continues to be so employed; and that the Comptroller of Public Accounts be authorized to issue his warrant upon the treasurer in favor of said Hooper, upon the certificate of the Engrossing Clerk, setting forth the number of day's service rendered.

Approved, 2d February, 1846.

JOINT RESOLUTIONS

For the appointment of a Commissioner, to act on the part of Alabama, in the settlement of line between the States of Alabama, Florida, and Georgia.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be, and he is hereby authorized and empowered to appoint a Commissioner, to act with the Commissioners appointed by Georgia and Florida, or separately with a Commissioner, or Commissioners, appointed on the part of the State of Florida, to make and settle the boundary line between the States of Florida and Alabama.

Be it further resolved, That it shall be lawful for the Governor to issue his warrant upon the Treasurer, for the needful expenses incurred, in the execution of said work, and the compensation to said Commissioner; which compensation shall not exceed four dollars per day, for the time he may be engaged therein, and shall report the same to the next General Assembly.

Approved, 26th January, 1846.

JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama, for the relief of Archibald Sawyer, and others, of Randolph County.

Whereas, William B. Campbell, Tax Collector, for the year A. D. eighteen hundred and forty three, for the county of Randolph, failed to pay over to the Comptroller of Public Accounts, the State tax, by him collected : And whereas, also a judgment has been rendered in favor of the Comptroller of Public Accounts, and against the said William B. Campbell, as principal, and Archibald Sawyer, James Saxon, and Jephtha V. Smith, the securities of said Tax Collector, on his official bond, and by reason of the insolvency of the said Tax Collector, the whole liability has fallen on his securities : Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That on the said securities paying, or causing to be paid to the Comptroller of Public Accounts, by the first day of January next, the full amount of the principal, interest and costs of said judgment, after deducting the commissions for collecting the insolvencies, and damages adjudged by the court against said defendants, for the failure of said Tax Collector to pay over the taxes so by him collected ; that the Comptroller of Public Accounts be, and he is hereby instructed to enter satisfaction of said judgment, so far as the securities are concerned.

And be it further Resolved, That on payment being made as aforesaid, including the several sums for which the real estate of said securities have been sold, with the legal interest thereon, it shall be the duty of the Comptroller of Public Accounts, to re convey the said real estate to the securities making such payment, under the provisions of an act, entitled an act, to prevent the sacrifice of real estate.

Approved, 3d February, 1846.

JOINT MEMORIAL

To the Congress of the United States, on the subject of the Pre-emption Laws.

The memorial of the General Assembly of the State of Alabama, respectfully represents, that the wise policy of the Government of the United States in relation to the public lands, in the passage of the late pre-emption laws, has been, owing to the extraordinary pressure of the times and the derangement of the currency of the country, during the last five or six years, partially defeated, and many industrious, enterprising and meritorious citizens deprived of the means of purchasing the homes intended to be secured to them by those benevolent laws. The General Assembly further represent, that owing to the causes above named, as well as to the great reduction, during that period, of every

article of agricultural production, and of property generally, a respectable portion of the settlers on the public lands in this State, and especially in the Cherokee Purchase, have been unable to realize the advantage intended to be secured to them, by the several pre-emption laws. Their settlements were consequently offered for sale, but owing to the great scarcity of specie funds, were not sold. They are now subject to general entry, and without the interposition of Congress, it is apprehended that this meritorious class of citizens will be ousted of their possessions by another class, who are ever ready to take advantage of the necessities and misfortunes of the poor but hardy and industrious pioneers of the West.

For the reasons above set forth, the General Assembly pray your honorable bodies to extend the right of pre-emption two years to the settlers above described, and to those who may make settlements and file their intentions to make an entry in the Land Office to which they belong, in a specified time; so that they may be enabled to enter their land, in preference to those who may be disposed to make a general entry. Your Memorialists would further represent, that if the *quantum* of acres of land that is now authorized to be entered, was reduced to twenty in lieu of forty, that in consequence of their being in many places but a very small quantity of good land, much more of the public lands would be taken up, thereby affording a revenue; whereas in the absence of such reduction, lands thus situated will be cultivated regardless of law.

Resolved therefore, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to carry out the views contained in the foregoing Preamble and Resolution; and that his Excellency the Governor cause copies of this Preamble and Resolution to be forwarded to them.

Approved, 4th February, 1846.

JOINT MEMORIAL

To the Senate and House of Representatives of the United States.

Your Memorialists, the Legislature of the State of Alabama, would respectfully represent to your honorable bodies, that from the exposed condition of the whole coast of the Gulf of Mexico, including the coast of Texas, that it is important that the Government should establish some point near the coasts for casting cannon, and manufacturing arms, suitable for the equipment of troops in the service of the United States—that our Southern coast is more accessible to an invading army, and is in a more exposed condition than any other portion of the coast in the United States—and its defence has received less of the attention of the Government than any other. We hope that this has been owing, in some degree, to a want of information as to the resources of the South for providing the munitions of war. There are in the neighborhood of Tusca-

loosa, extensive fields of bituminous coal on the lands of the General Government, also iron ore, to an indefinite extent, also owned by the General Government, from which are manufactured some of the best iron now in use here. Tuscaloosa is situated at the head of navigation on the Warrior River, and within three days of the city of Mobile. It is believed that these coal beds are nearer to the Gulf, than any that have been yet discovered, and as it is probable that war steamers will come into general use, they would be invaluable as a supply of fuel for war and mail steamers, from the easy access to Mobile, Pensacola, New Orleans and Galveston. In view of these facts, your Memorialists would respectfully urge upon Congress the importance of establishing an Armory at the City of Tuscaloosa, for the manufacture of cannon and other arms for the Government, and also that such arrangement as Congress may think best, be made to supply from these coal fields, the coal that may be wanted on our Southern coast.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to aid in effecting the objects of this Memorial, and that a copy of the same be sent to each of them by the Governor of this State.

JOINT MEMORIAL

To the Congress of the United States, requesting that the Reserved Lands in the St. Stephen's Land District be offered for sale.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled :

The Memorial of the General Assembly of the State of Alabama, respectfully represents, that there are considerable bodies of lands belonging to the United States, lying in the St. Stephen's Land District, that were reserved from sale on account of cedar and other timbers and mineral value, which, by trespassers or other causes, have ceased to be of national value as to timber; and that but a small portion of the lands reserved on account of its supposed value for purposes of salt, is necessary for that purpose :

Therefore, in view of these facts, the General Assembly ask your honorable bodies, to cause inquiry in reference to the lands so reserved on account of their supposed usefulness, and that they cause so much as may be found valueless for the purposes for which they were reserved, to be brought into market.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to carry out the views contained in the foregoing Memorial, and that his Excellency the Governor cause copies of this Memorial to be forwarded to each of our Senators and Representatives in Congress.

Approved, 3d February, 1846.

JOINT MEMORIAL

Of the Legislature of Alabama to the Congress of the United States.

To the Senate and House of Representatives of the Congress of the United States of America:

The Memorial of the State of Alabama, respectfully ask your honorable bodies to establish a Mail line of communication from the State Line Post Office by the way of the Court-House, and through the Double Springs, in Cherokee county, to Elyton, in Jefferson county, passing through Ashville, in the county of St. Clair, in said State; and also a Mail line of communication from Jacksonville, in Benton county, to intersect the aforesaid line at Ashville, in the said county of St. Clair.

Your Memorialists beg leave to state, that this is the only link of communication wanting to establish an entire and unbroken line from Rome, in the State of Georgia, to Columbus, and other prominent points in the State of Mississippi, and the Rail Road of Georgia is nearly completed with a branch or arm now within a few miles of Rome.

And thus your honorable bodies will perceive, that this line of communication, if established as above proposed, will afford to the people of Middle Alabama and Mississippi the most expeditious mail facilities, and as well as to the traveling public, the greatest convenience in going to, and returning from Middle Alabama and Mississippi, and the Eastern cities: Therefore,

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to urge the establishment of said Mail Route, and that a copy of this Joint Resolution be sent by the Governor to each of them.

JOINT RESOLUTION

For the relief of H. W. Nelson.

Whereas, by act of the Legislature, approved the thirteenth of February, eighteen hundred and forty-two, a State tax of thirty dollars was levied on retailers of spiritous liquors: And whereas, five days thereafter the County Court of the County of Shelby, met and granted licences to four persons to retail, and the tax of thirty dollars each was not collected, said law not having been made public, in consequence whereof, Hudson W. Nelson, tax collector for said county at that time, paid into the State treasury the sum of one hundred and twenty dollars, which never has been, nor never can be collected by him, therefore:

Be it resolved by the Senate and House of Representatives of the

State of Alabama in General Assembly convened, That the sum of one hundred and twenty dollars, be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to reimburse said H. W. Nelson.

Approved, 31st January, 1846.

JOINT RESOLUTION

Requiring the Secretary of State to perform certain duties.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That hereafter, after the adjournment of each session of the General Assembly, the Secretary of State shall take charge of the Hall of the House of Representatives and the Senate Chamber, and the rooms above stairs in the Capitol, and see and provide that the same are kept secure and ventilated, until the meeting of the next succeeding session of the Legislature.

Approved, 3d February, 1846.

JOINT RESOLUTION

Concerning the Penitentiary.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor be, and he is hereby authorized and required to appoint a suitable and proper agent to inspect, examine, and investigate the books, accounts, and vouchers of the Wardens, from the commencement of the institution of the Penitentiary of this State, and if upon such examination it shall appear that the said Wardens have not fully and fairly accounted for all articles sold, exchanged, or bartered, or have in any other way made themselves liable by reason of any nonfeasance, misfeasance, or malfeasance, the Governor shall cause suit or suits to be instituted, as in his opinion may be necessary.

Approved, 5th February, 1846.

JOINT RESOLUTIONS

For the relief of the Commissioners of Section Sixteen, Township Twenty-four, Range One, East, in the County of Pickens.

Whereas, said Commissioners, on the promise of the purchasers of said Sixteenth Section to pay to them eight per cent. interest on their

notes, instead of six, as required by law, to be paid to the Bank, did recommend to the Bank to grant an extension on the notes of said purchasers; which extension was granted on said recommendation obtained on the condition above named: And whereas, said eight per cent. has been regularly and promptly paid, as agreed by the purchasers, and disbursed as required by law, by the Commissioners aforesaid, for purposes of education:

Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the cashier of the Bank of the State of Alabama, is hereby authorized and required to settle with the purchasers of any portion of said section, on the production of the receipt of the Commissioners for eight per cent. as aforesaid, instead of six per cent.

Approved, 27th January, 1846.

JOINT RESOLUTION

Providing for the pay of J. F. Marrast, an Assistant Clerk of the House of Representatives.

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the sum of five dollars per diem be allowed J. F. Marrast, employed by the principal Clerk of this House to assist in carrying on the business of the session, for the time during which such assistance has been rendered; and that the same sum per diem be allowed him while he continues to be so employed; and that the Comptroller of Public Accounts be authorized to issue his warrant upon the State Treasurer, in favor of said Marrast, upon his certificate of the principal Clerk, setting forth the number of days service: *Provided*, that he shall not receive pay longer than the sitting of the Legislature.*

Approved, 4th February 1846.

JOINT RESOLUTION

Providing for the temporary appointment of a Public Printer.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the present State Printer, John McCormick, be, and he is hereby appointed State Printer to the General Assembly, (his term of office having expired) who shall receive the same compensation for his services as heretofore, deducting therefrom twenty-five per cent, until one be elected, appointed, or contracted with.

Approved, 22d January, 1846.

JOINT RESOLUTION

To provide for the increase of the State Library.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Secretary of State be authorized and directed (if in his power to do so) to exchange with Northern book sellers Reports of the Supreme Court of this State for publications illustrating the political history of the Federal and State Governments, including Niles' Weekly Register, Elliott's Debates, and Debates in the Virginia Convention; and that such books, when so received in exchange, shall be kept for the use of the State.

Approved, 4th February, 1846.

JOINT RESOLUTION

For the relief of John W. Ledbetter, Tax Collector for the County of Madison.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John W. Ledbetter, tax collector of Madison county, for the year one thousand eight hundred and forty-five, be, and he is hereby allowed until the first day of April next, to complete the collection of taxes of said county, and make final settlement and payment of the State and county tax of said county: *Provided,* that the securities of the said John W. Ledbetter, give their assent thereto, in writing, to be filed in the office of the clerk of the County Court of said county; any law or usage to the contrary notwithstanding.

Approved, 23d January, 1846.

JOINT RESOLUTION

Of the State of Alabama, granting the right of way to the Chattanooga Rail Road Company, through Jackson County, Alabama.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Chattanooga Rail Road Company, be, and they are hereby authorized to construct their road through the northern portion of Jackson county, in this State, subject to such rules, regulations and restrictions in regard to the interest and claim of our citizens as are now imposed by law upon the Montgomery and West Point Rail Road Company.

Approved, 4th February, 1846.

JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama.

Resolved, unanimously, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, 1st. That this Legislature responds with the most respectful salutations of its members, to the sentiments with which the late Governor, BENJAMIN FITZPATRICK has greeted this body, on the occasion of his retirement from the Executive Chair. That this Legislature recognizes in our said late Executive, an able, firm, consistent and good man, conscientiously devoted to the general interest of the State of Alabama.

2d. That the Speaker of this House and President of the Senate, be requested to present to His late Excellency, BENJAMIN FITZPATRICK, a copy of these resolutions.

JOINT RESOLUTION

To extend the time of payment for the purchase money of Sixteenth Sections, and other liabilities for the Sixteenth Section money.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the President and Directors, or Commissioners of the State Bank of Alabama and its several Branches, are hereby required to extend all debts due said Bank or Branch Banks, for the purchase of any sixteenth section, or money or moneys loaned out of any fund arising from the sale of any sixteenth section in this State, until the first day of December, eighteen hundred and forty-seven, on the payment of interest annually, and giving additional security, if deemed necessary.

Approved, 4th February, 1846.

DEPARTMENT OF STATE, }
TUSCALOOSA, Ala. April 1, 1846. }

I have carefully examined the foregoing Acts, Resolutions and Memorials, and find them to be correct copies of the original rolls, deposited in this office.

W. GARRETT,
Secretary of State.

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